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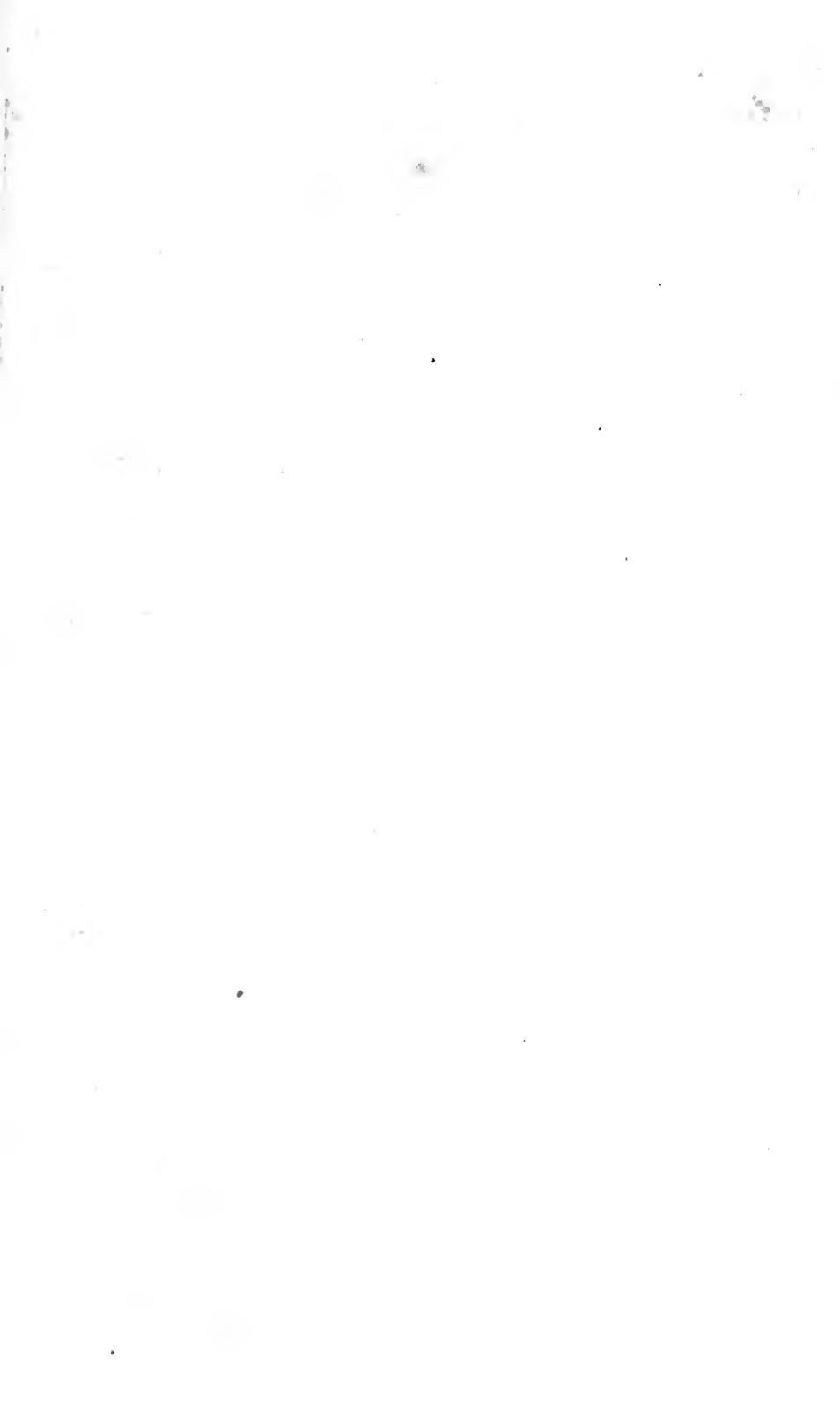


LIFE AND TIMES
OF
LEWIS CASS
BY
W. L. G. SMITH.









Presented to

J F Wiley by his

Friend Isaac Smith of
Jackson Mich

March 28th 1856



Leadb

FIFTY YEARS OF PUBLIC LIFE.

THE

LIFE AND TIMES

OF

LEWIS CASS.

BY W. L. G. SMITH.

With a Portrait on Steel.

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P R E F A C E.

THE following pages contain the life of an eminent citizen of the Republic. The compiler's object has been to present him, as he moved along, from point to point, in his own thoughts and actions.

Most of General Cass's time has been passed in public occupation; and, hence, the propriety of bringing out this work during his life-time.

It is believed that no topic of public concernment, for fifty years past, has been introduced, upon which General Cass has not expressed his views. In most instances, official position required him to do so. Readers may differ as to the value of these views; but all will concede that his history would be imperfect without them. To do justice to him, the compiler, in some instances, has presented his entire argument—especially upon the British claim to the right of visitation and search.

Questions of the most exciting character have arisen, to which General Cass was necessarily a party. He never shrunk from his just responsibility: but, in so doing, he has often been criticised, and his opinions and actions, sometimes, roughly assailed. In this compilation, the writer has not avoided these points.

Without intention to open afresh any wound that time may have healed, events, as they occurred, have been impartially given.

In short, the intention has been, to give a true and unreserved record of the life and times of a man, who has made his way through the world and attained a lofty position in its annals, unaided by the influence of family or wealth, indebted solely to his own judicious efforts and native abilities: thus furnishing another example in proof of the priceless goodness of a government that diffuses its blessings upon all alike, the low as well as the high—the poor as well as the rich.

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LIFE AND TIMES

OF

LEWIS CASS.

CHAPTER I.

Introductory—Birth of Mr. Cass—His Ancestors—His Father in the Wars—His Parents emigrate to Ohio—Mr. Cass' Education—Exeter Academy—His Disposition—The Everetts and Daniel Webster—His Health and Amusements—Dependent on his own Resources—Goes South—His Residence in Delaware—School Teaching—Success—Views of Slavery—Crossing the Alleghanies—Stops at Marietta—Acquaintance with Judge Meigs—Reads Law—Mr. Baccus—Admission to the Bar—Professional Life—His Marriage—Blennerhasset—Aaron Burr—Elected Member of the Legislature—Burr's Conspiracy—Mr. Cass' Action—Mr. Graham—President Jefferson—Mr. Cass appointed Marshal—His Success as an Advocate—His Politics—An Important Question—Impeachment of Judges—Mr. Cass' Argument.

The lives of individuals furnish materials for a history of the nation. Fullness and authenticity are secured, if the events which chequer the career of the actor are compiled during his lifetime, fresh from memory. If the history of a nation is worth preserving, it is not essential to pause for the purpose of considering the propriety or necessity of such compilation, especially if the leading incidents are intimately connected with the development of the growth and prosperity of the country. The student who reads to gain a mere information of events, as well as the philosopher who lays deep the foundation of knowledge, accomplish their several purposes with far greater satisfaction, if, instead of being confined to cursory glances and meagre generalities, they can go behind the curtain and behold and study at leisure all the objects, scenes and details, which fill up the panorama of society, and expose to their gaze the springs of change and government.

The following pages will disclose to the reader a minute and true history of the life and character of an eminent citizen of the

American Republic. Having occupied, for fifty years, a prominent and highly influential position among his fellow citizens, and taking an active and responsible part in the bold and progressive movements of society, the government, and the world, strange indeed would it be if he had not encountered many tempestuous seas and experienced the ill-will of rivalry and ambition. Never backward in a manly expression of his sentiments upon all topics submitted to his consideration—whether pertaining to individuals, the community in which he lived, or the nation at large—his motives and actions have frequently been subjected to the severest canons of criticism. But time unravels all things; and conscious of the rectitude of his own purposes, and willing to be tried by this infallible test of truth, he has moved on in the career of life with undisturbed serenity, until he has attained a lofty position in the annals of his country.

In the village of Exeter, in the State of New Hampshire, may be seen a small, unpretending, wooden dwelling-house, which has withstood the wear of the elements upwards of three-quarters of a century. It was occupied, in the year 1782, by Theophilus Gilman, and on the ninth day of October, in that year, in this house, Lewis Cass was born.

His ancestors, on the side of both father and mother, Cass and Gilman, were of Puritan descent, tracing their origin to the first settlers of New England, and their names are to be found in the records of the early colonial proceedings.

His father, Jonathan Cass, was a fair representative of the substantial yeomanry of New England, who, struggling with the disadvantages of straitened circumstances, and of a very limited education, by the power of intellect and force of character, added to virtuous principles, attain for themselves, by unceasing exertion, an honorable position in life, and only rest from their work until they rest in the grave. While a lad, and indeed until the age of early manhood, he was employed in the severe labors which attended the settlement of the country, and during a portion of it, in cutting logs and making lumber, then the employment of the winter—hard and exposed work—but which furnished almost the only article of exportation, supplying the means of the West India trade. It was a harvest, to be reaped only in the cold season, when the swamps were frozen, and the ground covered with many feet of snow, and when men and cattle were secluded in

deep forests, encountering hardships and privations, which, if they tried the human system, no doubt left a favorable impress upon the character of the country.

When the Revolution broke out, his father was about nineteen years of age. Animated by the spirit of the times, he entered the army as a private soldier, the day after the battle of Lexington, and remained in it until its disbandment, in 1783, when he left it a captain, which rank he obtained by his gallantry and good conduct. During that period, he was in the battles of Bunker Hill, in both the battles of Saratoga, in that of Long Island, of White Plains, of Trenton, of Princeton, of Germantown, of Brandywine, in the expedition of Sullivan up the Susquehanna into the western part of New York, and in almost all the active operations of the army in the Northern and Middle States. He was recommended by the New Hampshire delegation in Congress, as the first marshal of that State under the Constitution, and, as one of the senators wrote to him, the question was not, who was the man, but will he accept? So many revolutionary officers had, however, been appointed, that it was thought best, by General Washington, not to add to their number. Without his own knowledge, he was appointed a captain in the army, upon its organization, and immediately ordered to the West, and for some time commanded the fort at the mouth of French Creek, upon the Alleghany.

He afterwards joined Wayne's army, as a major, in command of the Third Regiment, and was stationed at Fort Hamilton, the site of the present town of that name in Ohio. In 1799, he resigned his military commission, and removed, with his family, to Wakatomaka, upon the Muskingum river, a few miles above Zanesville, and established himself upon a tract of land, in the United States Military District, being the first choice which fell to him by lot, in the location of the revolutionary bounty land warrants. Here, for thirty years, he lived the peaceful life of a farmer, esteemed and respected, carrying into his retirement the fruits of a long and varied experience, an experience aided by reading and observation, and by a strong and vigorous intellect, and fulfilling the best of all duties, the duties of private life, with a purity of purpose and a sense of honor, ever operating and never questioned. He died in 1830, calmly and resignedly, and watching the approaches of death upon the bed of sickness with as little

fear as he had encountered them on the battle field. So composed was he, that, when the last struggle came, he observed, "This then is death!" and thus he died.

His venerable consort followed him to the grave in the course of two years afterwards. She was a native of New Hampshire, of masculine intellect, strictly attentive to the duties of her household, and in the absence of her husband in the wars, had the sole charge of their family.

Major Cass was the type of his class ; a representative, and a faithful one, of that band of patriots who hazarded all they had and all they hoped for, in the great contest into which they entered for the assertion of human rights, and for the resistance of foreign tyranny. The whole history of human devotedness and exertion, contains no chapter equal in patriotism, in courage, in suffering, in self-sacrifice, in examples of public and of private virtue, and in all the best elements which adorn our nature, to that which records the story of the American Revolution. For seven long years, against the most powerful nation then on the face of the globe, without pay, almost without clothing or provisions, and through trials, whose description we may read, but whose extent we can never appreciate, did the men of that day maintain their own Revolution, and the cause of their country, without the shadow of change until the new republic took her station among the independent nations of the world.

Lewis Cass had two brothers and two sisters, himself being the eldest of the five. One of the brothers, Charles L., is dead, and held a captain's commission in the United States Army. The other brother, George, is a farmer, residing in the town of Dresden, in the State of Ohio. The two sisters, Mrs. Silliman and Mrs. Munroe, are widows, the former residing in the State of Missouri, and the latter in the State of Ohio. All are respected and esteemed throughout the circuit of their acquaintance.

Young Lewis evinced great precocity in acquiring the rudiments of education, and showed more fondness for books than for boyish amusement. His father having been absent from home for several years, engaged in the wars at a trifling pecuniary compensation, and that liquidated in exchange for a depreciated currency, was without wealth and ill prepared to afford his son the benefit of a collegiate education. There was an academy, however, at Exeter, under the charge of Benjamin Abbott, and the name of young

Cass was entered upon the roll of its pupils in the year 1792. Although scarcely ten years of age, yet such was his disposition to acquire knowledge and become familiar with the classics of other times, that he applied his youthful mind to the labor before him with unremitting assiduity ; and what by some is regarded as a burthen, to him was a source of pleasure. The Exeter Academy is his Alma Mater. The Principal was an accomplished scholar. To a strong intellect, well stored with learning, he added a reasonable but rigid discipline for the government of the young minds committed to his direction. Young Cass was naturally kind and obedient, slow to fancy injuries, but prompt to repel and chastise, if in his power, real aggressions. Many incidents are related of his academic career, demonstrative of his disposition in this respect.

He was favored with a robust constitution, and seldom detained at home by sickness. He was a descendant of a hardy race. But although he had no reason to anticipate disease, yet he had the good sense to take proper care of his health, and to refrain from an indulgence in those pleasures whose inevitable tendency is to weaken, rather than strengthen, both body and mind. The number of young men in attendance at the Academy, from Exeter and vicinity, was large for those days, and during a portion of the time he had for companions at that seat of learning, the distinguished Buckingham and Saltonstall, and Daniel Webster. The latter was esteemed by his associates, but he did not then give promise of those commanding powers of intellect which, later in life, placed him among the most eminent men of the age in which he lived. Dr. Abbott was well qualified, by firmness and discretion, to exercise a moral power over young men, and by his virtue and learning, to prepare them for the duties of life. For more than half a century he occupied this station, and then retired voluntarily, with the respect of the community and the gratitude of all who had enjoyed the benefit of his supervision. Both the Everetts—Alexander and Edward—enjoyed the benefits of his tutelage. Young Cass remained at the Academy, diligently pursuing the usual course of studies, until 1799, when, in the seventeenth year of his age, he began to look forward to the future, and, scanning the various employments of mankind, to determine what should be his occupation to gain a livelihood. His father had returned from the wilds of the North-western territory, and gave a glowing account of the boundless extent of tillable land, watered

by ever-running springs and large rivers, but covered with heavy forest trees, and the woods filled with wild beasts, there being hardly but two spots where the arm of the frontier-men had made a clearing and let in the sun, the one at Marietta and the other at Cincinnati. The young student had not been accustomed to farming, and believed he should make a sorry business of it if he made the attempt, especially in that far-off region. His father, however, with the consent of his mother, had concluded to emigrate there as soon as was practicable, and settle upon land acquired by his own bravery.

Young Cass was thus thrown upon his own resources at this early period of his life; but with a well educated mind and healthy body, he repined not at his lot, and felt himself equal to the emergency. He determined, with the consent of his parents, to visit the southern country, and there, by teaching or some other respectable employment, earn the means to defray his necessary expenses whilst acquiring a sufficient knowledge of the law to enable him to practice at the bar of the courts. Accordingly he soon bid farewell to the Academy and the companions of his youth, and left Exeter with his father and family for Wilmington, in Delaware, where his father was stationed for a few months for military service, and where for a short time Lewis was employed in teaching in an academy at that place. He was there when Gen. Washington died, and witnessed the burst of grief through the whole country, a tribute as well to his own transcendental worth, as to the feelings of the American people. He made several valuable personal acquaintances, whose friendship he retained through life. The city of Wilmington was pleasantly situated upon an arm of the majestic river which washes the eastern banks of the State in its course to the ocean. The surrounding country was in a high state of cultivation, and yielded a large revenue to the owners. The great thoroughfare leading from Philadelphia to Baltimore, passed through Wilmington, and vessels of large tonnage, coast-wise and foreign, visited its wharves. The plantations were covered with slaves, and, for aught that appeared, were content with their lot. They loved their masters and mistresses, and were treated as part and parcel of the household. So far as his personal comforts were concerned, it was a pleasant residence, and he had no reason to indulge in gloomy forebodings of the future, or to doubt success and prosperity. But his thoughts were upon the

Great West; and wheresoever he might go, he deemed it advisable there to study his profession, and pursue his business. He had heard so much concerning the country beyond the mountains, from the lips of his father, had thought so much about it, and blessed with a mind capacious enough to grasp its future greatness in wealth and power, that he no longer was skeptical of the choice his interest required.

From Wilmington, Major Cass with his family repaired to Harper's Ferry, where they resided a brief time, and where Lewis often contemplated with admiration the gigantic natural features which give interest to that remarkable spot, exploring its recesses with ever-increasing admiration. The scenery itself, and Mr. Jefferson's graphical description of it, left impressions which time has not effaced. Leaving Harper's Ferry, they removed to Winchester, where Lewis often conversed with General Morgan, of revolutionary memory, and listened hour after hour to anecdotes told by him, and by a Mr. Bush, the innkeeper, of the early life and conduct of Washington, who was stationed for some time at the fort, whose dilapidated walls were then visible. It was impossible to hear these narratives, and witness the interest of the speakers, without the conviction that there was something in the character and bearing of the great American, which almost in the infancy of his career gave the promise of future distinction, as it gave the proof of ascendancy over his associates and companions. From Winchester—hospitable and delightful Winchester, which has left pleasant memories of those days—they traveled the route known as Braddock's, to Cumberland, and thence across the mountains to Pittsburgh. Here Lewis first saw General Harrison, who was then on his way to Indiana, of which he had just been appointed governor by Mr. John Adams. General St. Clair, the governor of the North-western territory, was also there, as was also General Wilkeson, at that time the Commissary General of the Army. General St. Clair was a most interesting relic of the revolutionary period; tall, erect, though advanced in years, well educated, gentlemanly, thoroughly acquainted with the world, and abounding in anecdotes, descriptive of the men and the scenes he had encountered in his eventful career. He had been an officer of the British army, before the Revolution, and had served in the campaign under Wolfe, which terminated in the capture of Quebec. Resigning his military commission, he established himself at a

valley in the mountains of Pennsylvania, where he became a pioneer of the settlement. The Revolution found him here, with his plans for life all formed, and with a fair prospect for their accomplishment. But it called him from his chosen employment, and he obeyed the call. His military experience designated him as one, to whom the country should look for one of its higher officers, and his political sentiments were in unison with those which everywhere animated the people. He became a major general, and acquired the confidence of Washington. But he was unfortunate in the commencement of his service, and the misfortune and consequences adhered to him through life. His retreat from Ticonderoga, though his conduct passed the ordeal of a court of inquiry and was approved, was very unaccountable to the public, which too often judges the wisdom of measures by the result, and he never recovered from the effects of it. He served, however, with an honorable reputation through the whole Revolution, and subsequently he was elected a delegate to Congress from Pennsylvania, and ultimately became the President of that body, then the first position in the nation. On the accession of General Washington to the presidency, he was confirmed in the office of governor of the North-western territory, to which he had been appointed by the Continental Congress, and soon after a major general, commanding the army. In this latter capacity, he organized an expedition to the Indian country to repress the hostile tribes who for years had been committing terrible ravages upon our frontiers. His means were incompetent, and his force undisciplined, and at Fort Recovery he suffered the most signal defeat which our arms have ever encountered in Indian warfare. He soon after resigned his military commission, and was succeeded by General Wayne, who, under more fortunate auspices, restored our ascendancy by his decisive victory at the foot of the Rapids at Maumee. General St. Clair continued to serve some years after the election of Mr. Jefferson, as governor of the North-western territory, but on the eve of the formation of the State Government he was removed, in consequence of some improper interference, and eventually retired to his primitive location at Ligonier. There, some years after, Lewis Cass saw him for the last time, in a rude cabin, supported by selling supplies to the wagoners who traveled the road, one of the most striking instances of the mutations which chequer life.

Pittsburgh, when young Lewis first saw it, was little more than a village, but it possessed an intelligent, enterprising population, and among these, men who deservedly enjoyed the confidence of the country, like Col. O'Hara, Gen. Nevill, Maj. Denny, and others. At that time, the principal part of the old British fort was standing at the point where the Alleghany joins the Monongahela.

At Pittsburgh, Maj. Cass resigned his commission in the army, and descended the Ohio river, to Marietta, in one of those Kentucky boats, as they were then called, which furnished the only means of traveling down the river. Sometimes, indeed, although at rare intervals, a keel-boat, from New Orleans, passed up, after a journey of six months, pulled by twenty half-naked Creoles, the only ascending communication between the Delta of the Mississippi and the upper portion of the great tributary, drawing its supplies from New York and Pennsylvania. What a difference between the slow and toilsome process and the rapid intercourse now created by the practical development of the powers of steam, a difference as startling as the change from the solitude of the lonely stream, fringed with a primitive and gigantic forest, to the busy hum of human industry, which salutes the ear for thousands of miles in succession. So little was the country prepared for the miracles of this mighty agent, that a few years later, when our young adventurer was a member of the legislature of Ohio, an incident occurred, which taught him a profitable lesson, and led him, ever afterwards, to express, with becoming moderation, his dissent from any proposition of improvement. At the session of the legislature, a petition was received, asking an exclusive right, by the petitioners, to enjoy the use of their invention for steam navigation upon the waters within the jurisdiction of the State of Ohio, and offering, as a consideration, to propel boats up stream at the rate of four miles an hour. The proposition was considered so unreasonable, ridiculous, perhaps, is the word, as to be unworthy of serious consideration, and was contemptuously thrown aside without action. Such has been the case with many important discoveries made in advance of the age by sagacious minds, and condemned in their inception, but redeemed by subsequent success. Such was the fate of the great canal project of New York, zealously advocated by De Witt Clinton, but which, for years, encountered every opposition that party prejudice, reason or ridicule could urge against it, and rendered more obnoxious by an

obnoxious name—the Big Ditch. But the Big Ditch has become one of the great rivers of the world, the rival of the Mississippi, and the superior of many mighty streams, renowned for their size and for the extent of country which they drain.

From Pittsburgh to Marietta, the country was almost in a state of nature, the solitude broken occasionally by the cabin of the settler and by the deadened, but still standing, timber, which marked the field where his first efforts were applied for the subsistence of his family.

Major Cass, with his family, landed at Marietta in October, 1800, and remained there a few months, and then removed to his land upon the Muskingum. Lewis remained at Marietta, and became acquainted with Governor Meigs, who, at that time, occupied a seat on the bench of the Supreme Court of the Territory, and soon entered his office as a student at law. He continued under the tuition of Governor Meigs a few months, when he left his office for that of Mathew Baccus, a distinguished counselor at law in the same village. Mr. Cass remained with Mr. Baccus until December, 1802, when he was licensed to practice in the courts of the Territory. He immediately commenced the practice of his profession, although not then twenty-one years of age, and is now the only survivor of the Ohio bar of that period. The territorial statute, relative to the age of the applicant for admission to the bar, was silent.

Emigration to Ohio, at this time, was large, and increasing with every year. Friends wrote back to friends, in New England and adjoining States, and family after family disposed of their mountain homes for the broad and fertile valleys of the western country. The population was large enough to authorize a convention of the people for the formation of a State Constitution, and they exchanged their territorial government for that of an independent member of the confederacy.

Mr. Cass, while a student at law, had gradually extended his acquaintance at Marietta, Zanesville, and vicinity. He was looked upon as a young man of great promise and marked ability, and when he commenced business for himself, his clients came to him instead of his seeking them. He devoted his time and learning diligently to the work. He rose rapidly in the estimation of the people, and was regarded, by the courts, as an ornament to the profession. The circle of his legal fame widened, and ere three

years had completed their cycle, he was distinguished, along the banks of the river Ohio and upon the northern frontiers of the State, as the eloquent advocate of Zanesville, where he then resided. Nor was his fame confined to this branch of his professional duties. The sound of his name had penetrated far back into the solitary clearings of the wilderness, and when disputes of boundary and title arose among those isolated communities, no man's judgment, save him who sat upon the wool-sack, backed by the sovereign power of a State, commanded higher respect, or was followed more implicitly, than that of Lewis Cass. He acquired reputation, however, faster than money. The latter commodity was a rare article in those days in Ohio. The products of the earth were regarded as possessing intrinsic value, and constituted the principal currency in trade. If the settlers could get silver enough to pay for their lands, that was deemed sufficient for all practical purposes. It was customary, with the legal profession, to receive their fees and retainers in grains, and then, like the merchants, forward them to the nearest cash market, up or down the river, and sometimes as far as New Orleans.

In those days, the judge and the lawyer mounted their horses, and rode one and two hundred miles to a court, and then to another, and another yet, and through woods, following a mere bridle-path, crossing the swollen streams upon their horses, while swimming, and thrown together at night into a small cabin. The school of Democritus had far more disciples among them than that of Heraclitus; and sometimes amusing incidents occurred on these journeys. Mr. Cass, upon one occasion, when riding his circuit, had occasion to cross the Sciota Salt Creek, suddenly raised by heavy rains, and was unhorsed by the breaking of the saddle-girth. His horse was a bad swimmer, who, instead of advancing, after losing his footing, amused himself by sinking to the bottom, and then leaping with his utmost force; and he continued this new equestrian feat until rider, saddle, saddle-bags, and blankets were thrown into the water, and the recusant animal emerged upon one side of the creek, and the luckless rider crawled out upon the other as he best could, while the luggage commenced its voyage for New Orleans. But the troubles of the day were recompensed by the genuine democratic comforts of the evening, when the hospitable cabin and the warm fire greeted the traveler, and a glorious supper was set before him, of venison, turkey, or

bear's meat, fresh butter, hot corn cake, sweet potatoes, and apple sauce. The sturdy English moralist may talk of a Scotch supper as he pleases, but he who never sat down to that meal in the west, forty years ago, has never seen the perfection of gastronomy. And then the animated conversation, succeeded by a floor and a blanket and a refreshing sleep!

The primitive court-house, built of logs, and neither chinked nor daubed, but with respectable interstices big enough to allow the passage of a man, was another of the features in the life of the legal practitioner of those times, quite different from those of to-day. And in this sanctuary of justice, as well as in other public houses, the court and the bar, and the suitors and the witnesses, were mingled in indescribable confusion. There were many men, however, of high intellectual endowments, and who have since occupied distinguished positions, who were then members of the Ohio bar. The court and the lawyers were necessarily brought into close contact with each other. It was no time for the dignity of horse hair and big wigs. They traveled together in the primitive mode, on horseback. The hotels were log-cabins, the court-houses log-cabins, and the jails, about the same. The beds were puncheon floors, (puncheons are rough planks, split from logs before saw-mills were in use,) and the rides were long and severe, varied occasionally by the pleasure of swimming a rapid and overflowing river, at the hazard of the lives of horse and horseman. But the evenings, and especially the evening meals, were glorious, and there was plenty of kind feeling.

In the summer of 1806, Mr. Cass married Elizabeth Spencer, daughter of Dr. Spencer, of Wood county, in the State of Virginia, and formerly from Lansingburg, in the State of New York.

Mrs. Cass was a lady of refined mind, of modest and accomplished manners, tenderly attached to her husband, and beloved by a large circle of friends. Mr. and Mrs. Cass passed many days during the summer of their marriage on a delightful islet in the Ohio river, about fourteen miles below Marietta. They were the guests of Mr. and Mrs. Herman Blennerhassett, whose elegant hospitality was freely tendered to their guests.

Blennerhassett's residence has been made memorable by the gorgeous description of Mr. Wirt, who made large drafts upon his imagination, on the completion of his picture. Mr. Cass knew Mr. and Mrs. Blennerhassett well. Mr. Blennerhassett was an

Irish gentleman, of a highly cultivated taste, and who had become involved in some of the political movements in Ireland, which had rendered it necessary for him to emigrate. He came to this country, and after visiting Marietta, was persuaded to purchase the upper part of the island, which bears his name, and where he erected a strong and comfortable house, and where he made many tasteful improvements. But his selection was, for him, a very unfortunate one. In the habits of his life, society was essential to him. He was no farmer, nor calculated to encounter the rough obstacles of frontier life. On the island he was in utter seclusion, and soon began to find that he had chosen unwisely. He possessed an extensive library and philosophical instruments, and his house was furnished with taste and luxury. Mr. and Mrs. Cass spent many a happy hour there. Mrs. Blennerhassett was a highly accomplished lady, elegant in her manners, beautiful in form and feature, and fitted to adorn society in any country whatever. It may well be supposed that persons with such accomplishments, tastes and habits, soon felt the loneliness of their situation, at that early day, looking out upon the high hills below the Kanawa upon one side, and the farmers of Belpec upon the other.

Aaron Burr visited this retreat of domestic happiness; and Mr. and Mrs. Blennerhassett, enamored with his genius, for hours would entertain Mr. and Mrs. Cass with the conversations of the ex vice-president. Although improper designs were occasionally whispered against Mr. Burr, in different parts of the country, it did not occur to the mind of Mr. Cass that he was weaving a web in which to entangle the chivalrous and open-hearted Blennerhassett. The expedition of Miranda, the prospect of a rupture with the Spanish government, the growing importance of New Orleans, the future position of the Mississippi valley in the commercial transactions of the world; all these topics were occasionally adverted to in their casual and random conversations. Mr. Burr was looked upon as an adventurer, and visiting that region of country for the purpose of selecting land for subsequent purchase. Possessed, in an eminent degree, of the faculty of persuasion, and an adept in concocting real, or fanciful inducements, to captivate the minds of those with whom he came in contact, subsequent developments showed what progress he made, in this respect, at that place. He found the Blennerhassetts in a frame of mind ready to receive his impressions. What specific project he held out, is left to

conjecture, but he soon acquired an ascendancy over them, and they joined in his projects. There is no need of saying that this fatal error led to the ruin of this accomplished Irish gentleman.

Mr. Cass continued to apply himself diligently to his profession. Ohio had taken her position as a State, and state legislation had commenced. But, as her population increased, and cultivated territory expanded, it was evident that more wisdom and knowledge of legal rights and remedies were required, on the part of her legislators. Mr. Cass, without solicitation, was elected a member of the Ohio legislature, and took his seat on the first Monday of December, 1806, at Chillicothe, then the capital of the State.

A few days prior to the assembling of the legislature, John Graham, chief clerk in the Department of State, at Washington, visited Chillicothe, by order of President Jefferson, for the purpose of communicating with Governor Tiffin, then the executive of the State, and ascertaining who was true to the Union. The reputed plans of Mr. Burr occupied much of the public attention. The mystery which shrouded them alarmed the general government, and gave rise to a multitude of conjectures; and many disheartening reports concerning the instability of the people beyond the mountains, and their want of attachment to the federal Union, reached the ears of the President. Some said the design was to sever the Western from the Eastern States, and others, that it was in contemplation to take possession of Orleans, seize the specie there, and then invade Mexico, to conquer it.

Mr. Graham's mission to Chillicothe resulted in a special message from Gov. Tiffin to the Ohio legislature, immediately upon its assembling. The message recapitulated, for the information of that body, the supposed schemes of Mr. Burr, and urged prompt action to ferret them out, and bring the guilty to condign punishment. The message was considered in secret session, and referred to a special committee. It was important that the members of this committee should be trusty and capable men. This was Mr. Cass' first appearance in any legislative body, and young he was in years. But such was the estimation in which he was held by his associates, that, by universal consent, he was placed upon the committee, with Gen. Massie as chairman. The committee put themselves in communication with Mr. Graham, and acted with all the prudence and energy demanded by the crisis. They were, presently, in possession of incontrovertible evidence, that Colonel

Joseph Barker, of that State, had contracted for the building of a large fleet of small boats, suitable for the navigation of the Ohio river; that a large quantity of provisions were warehoused, and many head of cattle were quartered at different points, and all for the same destination down the river; that large numbers of young men, dazzled with the prospect of military renown and wealth, had promised to join the enterprise; and the committee, therefore, had no hesitation in believing that the enterprise was warlike and treasonable, notwithstanding the protest of some, that the design was to go to New Mexico, and there, under Miranda, establish a new government; and of others, that it was a party emigrating to lands taken up by Mr. Burr, on the Washita river, in the State of Louisiana.

Accordingly, the committee reported a law, drafted by Mr. Cass, authorizing the governor to call out the militia, and to arrest all persons engaged in any warlike enterprise. There were some members of the legislature who hesitated, and were inclined to give credence to the idle rumors afloat, and doubted the necessity of passing such a law, intimating that it might be used wrongfully, and to the annoyance of the people. When the bill, for the suppression of this conspiracy, was under consideration, the committee relied upon Mr. Cass to explain and urge its passage. He was ready to do his duty, regardless of the personal animosities which might be engendered in consequence. Mr. Burr occupied a foremost position among the prominent men of the day, and this was the first public act of condemnation leveled against him, as wanting in fidelity to his country, from any legislature, convention, or any body of men, acting deliberately and in concert. Here the ball was to be set in motion, without a certain knowledge how far the conspiracy extended, if it, in fact, existed, or how much strength it had at command. But the young legislator possessed firmness and courage equal to the occasion, and in advocating the passage of the bill, said he was well aware that its provisions were important and the penalties heavy, but that he could see a justification for supporting it, in the rumors which were then afloat, threatening the peace and tranquillity of the State—the rumors that daily acquired new credit and additional confirmation, and which, he believed, were well founded. Shall we sit still, silent spectators, said he, and not endeavor to prevent illegal steps being taken in this State? Grant that the

provisions of the bill, and all we can do, should prove to be unnecessary, still we ought to act. By common report, we are told that great talents, treasure and enterprise are engaged in a scheme which threatens ruin to the country, and he wished to see a law, such as the bill before the House, immediately passed, for it could not be done too soon. Perhaps, while we are now debating, the plan may be carrying into effect—a plan, the means for effecting which, have no doubt been duly weighed by those at the head of it. He could not doubt, for a moment, but that the officer to whom the execution of the law was to be entrusted, would do his duty, and would not improperly use the power vested in him. His words not only evidenced wisdom, but his just regard for the rights of a citizen, and carried conviction. The bill passed, and became a law.

The promptness of the legislature was seconded by the public. The militia were called out by the governor, the boats seized, and the enterprise broken up, so far as Ohio was concerned.

But Mr. Cass did not stop here. In view of the reports daily reaching that capital, of what was transpiring upon the confines of the State of Kentucky, and lower down on the Mississippi river, he believed it to be the duty of the legislature to solemnly announce to the people of the United States the views of Ohio upon this subject, and to assure the President of the steadfast attachment of the people to the general government. Hence, he drafted, as briefly as was consistent, an address to the President, which was unanimously adopted by both houses of the General Assembly, and is here given, because it testifies, not only to the early patriotism of Mr. Cass, but his sincere regard for the democratic institutions of his native country and his fidelity to Mr. Jefferson. It certainly can not be read by any American without gaining his full approbation. He expressed the sentiments of a patriot and a statesman, and worthy of the citizen of a democratic republic.

CHILLICOTHE, December 26th, 1806.

On Thursday last, Mr. Lewis Cass introduced the following resolution, which was agreed to, and passed both houses without one dissenting voice :

Resolved, unanimously, by the General Assembly of the State of Ohio, that the Governor be requested to transmit to the President of the United States, the following address :

TO THOMAS JEFFERSON, ESQ., President of the United States:

SIR:—At a time when the public mind, throughout the Union, is agitated with alarming reports, respecting the existence and design of a party hostile to the welfare and prosperity of the country, we deem it a duty incumbent on us to express to the Executive of the Union our attachment to the government of the United States, and our confidence in its administration. Whatever may be the intention of desperate and abandoned men, respecting the destruction of that constitution which has raised us to our present elevated rank among the nations of the world, and which is our only security for the future, we trust they will find very few advocates in the State of Ohio. We express the feelings and opinions of our constituents, when we say, that no acts of intriguing men—no real or visionary prospects of advantage—will ever induce us to sever that bond of union, which is our only security against domestic violence and foreign invasion.

Believing that the fundamental maxims of rational liberty have guided you in the administration of our government, we hesitate not to express our full and entire confidence in your councils and conduct. Enjoying every blessing which, as men and as citizens, we could desire, and in a country fertile in nature's choicest gifts, we should deem it presumptuous indeed to hazard, by intestine dissensions, these incalculable advantages. We trust that public attention has magnified the danger; but should the design in agitation be as destructive as represented, we have no doubt that all fear will shortly be dissipated before the indignation of our citizens. That you may live long to enjoy the confidence and attachment of the American people, is the sincere and unanimous wish of the legislature of Ohio.

The handsome reply of Mr. Jefferson to the above address, shows how highly that great statesman estimated the energy and courage of Mr. Cass, and the fidelity of Ohio to the federal Union. It was addressed to the governor, and read as follows:

WASHINGTON, February 2d, 1807.

SIR:—The pressing business, during a session of the legislature, has rendered me more tardy in addressing you, than it was my wish to have been. That our fellow-citizens of the west would only need to be informed of criminal machinations against the

public safety, to crush them at once, I never entertained a doubt. I have seen, with the greatest satisfaction, that among those who have distinguished themselves by their fidelity to their country, on the occasion of the enterprise of Mr. Burr, yourself and the legislature of Ohio have been the most eminent. The promptitude and energy displayed by your State, have been as honorable to itself as salutary to its sister States; and in declaring that you deserve well of your country, I do but express the grateful sentiments of every fellow-citizen in it. The hand of the people has given a mortal blow to a conspiracy, which, in other countries, would have called for an appeal to arms, and has proved that government to be the strongest, of which every man feels himself a part. It is a happy illustration, too, of preserving to the State authorities all the vigor which the constitution foresaw would be necessary, not only for their own safety, but for that of the whole.

In making these acknowledgments of the merits of having set this illustrious example of exertion for the common safety, I pray that they may be considered as addressed to yourself and the legislature particularly, and generally to every citizen who has availed himself of the opportunity given of proving his devotion to his country.

Accept my salutations, and assurances of great consideration and esteem.

(Signed,)

THOMAS JEFFERSON.

His Excellency, Gov. TIFFIN.

Few transactions, in any country, ever excited a greater sensation than this alledged conspiracy of Aaron Burr. The crime charged was of the deepest dye; and, if successful, of incalculable consequences. The accused was a person of the highest eminence, both for talents and political position. Conspicuous persons were implicated in the supposed plot, and the party violence which marked the period, mingled itself into conflicting opinions, which these transactions naturally created. And when Mr. Burr was arrested, and was arraigned for trial, the public scanned, with eager curiosity, every step in its progress. At this day, it is difficult to reconcile the efforts of Mr. Burr with the dictates even of common sense. To judge by his projects and arrangements, he must have been a very over-rated man. He never had the slightest chance

of success, and became a mere adventurer, whose designs were unredeemed by great plans, or by corresponding intellectual power to carry them into effect. Mr. Jefferson supposed that his aim was to separate the Western from the Eastern States ; one of the most ridiculous projects that ever entered into the head of man. Mr. Jefferson, like every body else, deceived by rumor, supposed there was a very extensive conspiracy, whose ramifications were artfully combined, and spread everywhere. His impressions may be gathered from the authority he gave to Gov. Tiffin, to remove every postmaster west of the mountains who should be reasonably suspected of *being unfriendly to the unity of the nation*.

The President was not an inattentive spectator, or indifferent to the result of Mr. Burr's trial. It resulted contrary to his expectations, and such was his chagrin, that he and Chief Justice Marshall, who occupied the bench on the trial, at Richmond, Virginia, never spoke to each other afterwards. Of a far different character were his feelings towards those who had the firmness and civil courage to aid the government in exposing the conspiracy, and baffling a project which was generally believed to be of a revolutionary character, having, for its ultimate object, the division of the federal Union. His confidence in the integrity and patriotism of Mr. Cass was such, that in the succeeding year of 1807, he tendered the latter the office of United States marshal, for the State of Ohio ; and his warm friendship to Mr. Cass continued unabated to the end of his days.

Mr. Cass was somewhat reluctant to accept the appointment, lest the discharge of its duties might interfere with his professional business. Michael Baldwin had held the office for several years, but he became addicted to inebriety, and the President was unwilling to continue him any longer. Mr. Jefferson had such a horror of this vice, that he upon one occasion remarked, that if he was to serve his term of office over again, his first inquiry always should be, whether the applicant for office was liable, from habit and association, to become a drunkard.

More on account of the source from whence the office came, and the kind manner in which it was offered, than for its limited emoluments, Mr. Cass accepted it, and qualified for the discharge of its duties. He continued to practice his profession for several years successfully at Zanesville, and in consequence of holding an office under the general government, he was not again returned

to the legislature of Ohio. He was employed as an advocate in many important cases. It was during this period of his life, a question arose in Ohio, which was much discussed, and upon which public opinion was divided, and occasioned intense excitement among the people. The point at this day may appear ridiculous, but it was then of vital interest.

It seems now to be universally conceded, that the supreme judicial tribunal in each state, has the right to determine in the last resort, the constitutionality of a law. Such was not the doctrine at the time of which we speak. Judge Todd, of the Supreme Court, and Judge Pease, president of a circuit, were both impeached for deciding that an act of the legislature, giving certain jurisdiction to justices of the peace, without a trial by jury, was unconstitutional. Believing that the doctrine maintained by the legislature—that the judiciary have no right to determine the unconstitutionality of a law—would be fatal to liberty, by rendering the law-making power an unlimited one, in common with some other members of the bar, Mr. Cass volunteered to defend the judges. They were acquitted, and this dangerous heresy, of the omnipotence of a legislature, soon disappeared. But during the progress of the discussions arising out of the matter, there was great agitation in the State; and, at one time, the prospects were alarming. The trial lasted many days. The legislature retained some of the ablest and oldest lawyers in the State. Mr. Cass brought to the case great legal research and industry. His argument was unanswerable, and carried conviction to the minds of his hearers. This effort, the cause for which he plead, and the triumphant verdict, extended his professional reputation among the people all over the State.

CHAPTER II.

Indian Confederacy—Tecumseh and the Prophet—Relations between the United States and Great Britain—Governor Meigs' Proclamation—War of 1812—Mr. Cass' Views—Volunteers his Services—Commissioned Colonel—His Speech to the Troops at Dayton—Its Effect—General Hull—Plan of Campaign—Rendezvous at Urbana—March to the Maumee—Hardships and Trials—Declaration of War—Disaster on Lake Erie—Council of War—Colonel Cass advises Invasion of Canada—Disinclination of Hull—Advice of Colonel Cass adopted—Passage of Detroit River—Landing in Canada—Hull's Proclamation—Colonel Cass urges Prompt Movement on Malden—Hull's Delay—Colonel Cass visits Malden with Flag of Truce—Return to Camp—Leads a Detachment against the Enemy—The Engagement at the Aux Canards—His Heroic Conduct—His Report to Hull—Colonel Cass' Courage—Hull's Timidity.

In the summer of 1811, the people of Ohio were alarmed at the appearance of a hostile confederacy among the Indians on the north-western frontier. Menacing preparations had been discovered, under the direction of the renowned chief, Tecumseh, and his twin brother, Elskwatawa, surnamed the Prophet. These two remarkable savages belonged to the Shawanese nation, distinguished for its warlike predilections. Tecumseh was the master spirit, and took upon himself the departments of war and eloquence, success in these being the direct road to eminence and chieftainship; but in order to hold enslaved the minds of his countrymen, by their strong bent to superstition, Elskwatawa invested himself with the attributes of a sacred character. Pretending to be favored with direct and frequent communications with the Great Spirit, by tricks and austerities, he gained belief, and drew around him the awe-struck Indians from great distances. It was generally believed that secret agents of the British government were continually inflaming their passions and prejudices against the whites, representing that the latter were mere intruders, and picturing to the minds of Tecumseh and the Prophet, the scheme of dividing between them, not only the sovereignty of the Shawanese, but that of all the border confederacies. Signs of hostilities between the United States and Great Britain began to loom up in the distant horizon, and were freely commented upon, by the paid stipendiaries of the crown, around the council fires. The brothers, watching these signs, and believing that an opportunity would soon occur, were collecting their followers on the Wabash, in the Territory of Indiana. William H. Harrison, then governor of that Territory, was directed to march against

them with a military force, consisting of regulars, under the command of Colonel Boyd, united with the militia of the Territory. He met them at Tippecanoe, and defeated them. This event occurred on the 7th of November. Tecumseh was absent, stirring up the various tribes, and calling upon them to unite with him in the great war dance against the settlers on the frontier.

In the meantime, it became more and more evident that the peaceful relations between the United States and Great Britain would soon terminate in open war. Congress, upon its assembling, authorized the President to call on the governors of the States for detachments of militia, to an amount not exceeding one hundred thousand, and to accept the services of any number of volunteers, not exceeding fifty thousand. As it was probable that the frontiers, bordering on the British Provinces, would be the principal theater of hostilities on land, the first attention of the general government was directed to their defense. Ohio was called upon for its quota of men for the service, and in April, 1812, Governor Meigs issued his proclamation in answer to the call, appealing to the patriotism of her citizens, and ordering the troops to rendezvous at Dayton. This military force was to be raised, as well to act against the British in Canada, if there should be war, as to suppress hostilities from the Indians, in the Territory of Michigan.

But as even in the purest atmosphere there always will be found some noxious vapors, so among the people of America there were some, at this great epoch of our country, who questioned the propriety or necessity of thus early raising an armed force. They were fain to believe that wrong motives were ascribed to the Indians; that the alledged interference of secret emissaries, in the pay of King George, was a bugbear, and a war between the two countries a chimera. Not so thought Mr. Cass. But feeling keenly the insult meditated against the glorious standard of his country, and ardently attached to the democratic institutions of a republic, and having no sympathy with those to whom a war with England was an eye-sore, he was not to be deceived by their clamor, or diverted from his duty by their hypocritical cry against the impiety of a resort to arms. He believed that a war with England was both just and necessary; and closing his law office and his lucrative business, he hastened to volunteer his services in the force which was called out. The appeal of the government

to the patriotism of Ohio, was successful. Twelve hundred men were enrolled as volunteers, and, divided into three regiments, were marched to Dayton, where Mr. Cass, with the united voice of his comrades, was assigned the command of the third regiment, and commissioned as colonel.

Having formed his command in a hollow square, and planted the American standard in the center, Colonel Cass opened his military career with the following energetic words:

“Fellow-citizens! The standard of your country is displayed. You have rallied around it to defend her rights and to avenge her injuries. May it wave protection to our friends and defiance to our enemies! And should we ever meet them in the hostile field, I doubt not but that the eagle of America will be found more than a match for the British lion!”

The young volunteers received, with rapturous enthusiasm, this brief but thrilling address of their youthful Colonel, and assured him that they were eager to meet, under his command, their proud enemy. The other two regiments were commanded by Colonels McArthur and Findlay, and this volunteer force, marching to Urbana, was there joined by three hundred regulars, under the command of Colonel Miller. The entire force was under the command of Brigadier General William Hull, a captain during the Revolution, and then governor of the Michigan Territory.

The plan of the campaign, as formed at Washington, had, for its ultimate object, the conquest of the Canadas. The intention was to invade, simultaneously, at Detroit and Niagara; and the armies from these places were to be joined, on their way to Montreal, by a strong force to be collected at Plattsburgh, and thus a combined attack to be made upon that capital.

In the fore part of June, the military forces at Urbana left that place for the theater of war. Detroit was the point of destination, and the distance to be traveled was more than two hundred miles. Their march, the greater part of the way, lay through a wilderness, and much of it without a road. The creeks and rivers were not bridged, and in many places, in fact, most of the way, it was necessary to level the forest in order to make a way for their provisions and munitions of war. Swamps, filled with miasma, had to be waded, and the command frequently halted to relieve the sufferings of the sick. Block houses were erected at intervals along the route, for the use and convenience of the army, and the better

protection of the country. The privates suffered much, and it became the imperative duty of the officers of the volunteers to give good examples how to endure, with patience, privation and fatigue, lest the men, unaccustomed to such hardships, should turn back in discouragement. Colonel Cass showed himself equal to the duties and responsibilities of his new position, and enjoyed the unreserved confidence of his men. He did not omit to enforce the first rudiments of a military education, discipline and obedience. And whilst actively and strictly discharging this branch of his duties, he did not make for himself an austere and repulsive character, but mingled freely with his force, as a companion and friend, and thus possessed himself of all their wants, feelings and desires. And whilst his command were daily becoming more and more proficient in drill and movement, they at the same time acquired the important lesson, that this knowledge, in the hour of battle, would enure as much to their own personal safety, as the good of their country.

After traversing a region unbroken by a single settlement, the army reached the rapids of the Maumee, on the thirtieth day of June. The sensations of Colonel Cass, on reaching this point in the march to Detroit, were penned by himself, *thirty-one* years afterwards. "We were heartily tired of the march, and were longing for its termination, when we attained the brow of the table land, through which the Maumee has made a passage for itself, and a fertile region for those who have the good fortune to occupy it. Like the mariner, we felt we had reached a port; like the wanderer, a home. I have since visited the three other quarters of the globe, and passed over many lands and seas, but my memory still clings to the prospect which burst upon us on a bright day of June, from the valley of the Maumee—to the river, winding away beyond our view, to the rapids, presenting every form of the most picturesque objects, to the banks, clothed with deep verdure, and to the rich bottoms, denuded of timber, as though inviting the labor and enterprise of the settler."

On the twenty-sixth, four days previous, General Hull had received, by express, a letter from Mr. Eustis, Secretary of War, written on the morning of the eighteenth, the day on which war was declared. But this important fact was not announced in this letter, but it contained expressions indicating that the declaration would soon be made. Supposing that the British could not be in

possession of such important intelligence earlier than himself, General Hull, for the purpose of disencumbering his army, and facilitating his march, chartered a sail vessel to convey to Detroit his sick, his hospital stores, and a considerable part of his baggage. This vessel sailed on the first day of July, and was captured by the British off Malden, who had been two or three days in possession of the information that war was declared. With General Hull's private baggage, had been placed on board the vessel, what he should have better guarded, his trunk of papers, and by means of which the enemy became possessed of his confidential correspondence with the government, and the returns of his officers, showing the number and condition of his troops. The intelligence of the declaration of war was received by General Hull on the second day of July, in a second letter from Mr. Eustis, under date of June eighteenth, not forwarded by express, but by mail. His first despatch directed him to push on to Detroit with all possible expedition.

There was an Indian village at Brownstown, on the American side of the Detroit river, and as war was actually existing, it was anticipated that the army would be attacked and annoyed by the Indians, and by detachments from the British garrison on the opposite side of the river. The army, however, resumed its march, and on the fifth of July reached Detroit, without molestation from the enemy.

On the ninth of July, General Hull received a letter from the Secretary of War, saying that, "should the force under your command be equal to the enterprise, and consistent with the safety of your own posts, you will take possession of Malden, and extend your conquests as circumstances will allow."

Immediately upon the receipt of this despatch, General Hull called a council of war, of which Colonel Cass was a member, and the great question to be solved was, the propriety of invading Canada. Colonel Cass was in favor of the invasion, and urged that the army, leaving a suitable force for the protection of the post of Detroit, should immediately cross over the river. General Hull hesitated, contending that his force was not equal to the reduction of Malden, and that the savages were under the influence and command of the enemy. Colonel Cass replied to the first point, that their force was greater in number, if any credence was to be given to the reports constantly reaching the post, and that their

ardor and impetuosity would more than equal the discipline of the British. As to the savages, he doubted whether they were prepared to act on the offensive, else they would not have suffered the American troops to pass quietly up the river. General Hull could interpose no rejoinder, with any show of candor, and finally concluded to undertake the enterprise.

The embarkation was made on the eleventh of July, from a point a little above Detroit, and the advanced force, animated with the highest hopes, was composed of Colonel Cass and Lieutenant Colonel Miller. Colonel Cass occupied the bow of one of the boats, and was the first man who landed in arms upon British soil, after the declaration of war. General Hull followed on the twelfth, with the remainder of the army; and on landing in Canada, he issued an energetic proclamation, written by Colonel Cass, for distribution among the inhabitants, which was much applauded at the time by the public press throughout the country. Whatever may have been entertained of the inglorious descent from promise to fulfillment, it was generally regarded as a high-spirited, manly, and patriotic document. It promised protection to all who would join the American standard. Many of the inhabitants accepted the invitation, and others remained peacefully disposed at home; and the Indians were awed into a temporary neutrality. The army took post at what is now called Windsor. Here, entrenchments were thrown up, and temporary defensive works were constructed, and the army remained inactive, awaiting some heavy artillery from Detroit. Hours, and days passed, and no order to march. The delay in receiving the desired ordnance was unusual, and strange to the officers and men. They were anxious to go forward: they desired to attack Malden, and measure swords with the enemy. News reached camp of the surrender of Macinac. This intelligence, instead of disheartening the troops, increased their ardor. Colonel Cass had, time and again, urged the importance of prompt movements, and demonstrated to the commanding general the feasibility of capturing the fortress at the mouth of the river. Having visited Malden with a flag of truce before the army crossed over from Detroit, he believed it indefensible. But General Hull all the while appeared to labor under the delusion that the enemy was in strong force, and the result problematical. And, in addition, the idea seemed to haunt him, that the woods were alive with savages, ready to give the war-whoop, and brandish

the knife and the tomahawk, as soon as he was out of sight of Detroit. Small detachments occasionally scoured the immediate country, for forage and provisions, and returning to camp, uniformly reported every thing quiet, and no enemy in sight. Colonel St. George commanded at Malden, with a moderate force, as was supposed, and some of the heavy guns had finally made their appearance. The carriages for the same having been constructed, finally, at the suggestion of Colonel Cass, General Hull ordered him and Lieutenant Colonel Miller, with a detachment of two hundred and fifty men, to move towards the British fort, and take possession of a bridge over the river Aux Canards, which commanded the approach to it. This was a wise precautionary measure, so that there should be no delay in the movement of their ordnance, after the main army was once in motion.

Accordingly, on the seventeenth of July, Colonel Cass led a detachment towards the enemy. In the latter part of the day, he reached the Canards, and by ascending the river some distance above the bridge, on the main road, the stream was forded, and the British party surprised and routed, and fled towards Malden. The American detachment remained in possession of the bridge, and Colonel Cass immediately transmitted the following report to his commanding officer. It is illustrative of the first action, and the first blood shed, in the late war with England.

“SANDWICH, Upper Canada, July 17th, 1812.

SIR—In conformity with your instructions, I proceeded with a detachment of two hundred and fifty men, to reconnoitre the enemy's advanced posts. We found them at the bridge over the river Canards, at the distance of four miles from Malden. After examining their position, I left one company of riflemen to conceal themselves near the bridge, and upon our appearance on the opposite side of the river, to commence firing, in order to divert their attention, and to throw them into confusion. I then proceeded with the remainder of the force, five miles, to a ford over the Canards, and down on the southern bank of that river. About sunset we arrived within sight of the enemy. Being entirely destitute of guides, we marched too near the bank of the river, and found our progress checked by a creek, which was then impassable. We were compelled to march up a mile, in order to effect a passage over the creek. This gave the enemy time to make

their arrangements, and prepare for their defense. On coming down the creek, we found them formed ; they commenced a distant fire of musketry. The riflemen of the detachment were formed upon the wings, and the two companies of artillery in the center. The men moved on with great spirit and alacrity. After the first charge, the British retreated—we continued advancing. Three times they formed, and as often retreated. We drove them about half a mile, when it became so dark that we were obliged to relinquish the pursuit. Two privates of the British 41st regiment were wounded, and taken prisoners. We learn from deserters that nine or ten were wounded, and some killed. We could gain no precise information of the number opposed to us. It consisted of a considerable detachment of the 41st regiment, some militia, and a body of Indians. The guard at the bridge consisted of fifty men. Our riflemen stationed on this side of the Canards, discovered the enemy reinforcing them during the whole afternoon. There is no doubt but their number considerably exceeded us. Lieutenant Colonel Miller conducted himself in the most spirited and able manner. I have every reason to be satisfied with the conduct of the whole detachment.

Very respectfully,

Sir, I have the honor to be

Your obedient servant,

(Signed) LEWIS CASS,

Colonel 3d Regiment Ohio Volunteers.

BRIGADIER GENERAL HULL.”

By dislodging the enemy at this bridge, and retaining possession of it, an important advantage was gained, and an easy access secured to the British fortress. Quite unexpectedly to Colonel Cass, General Hull did not appreciate this victory, although it created consternation at Malden, and ordered the detachment to return to camp. Colonel Cass and Lieutenant Colonel Miller remonstrated, in writing, against the inevitable injury which the execution of this order would inflict upon the American cause, and earnestly requested leave to remain in their position. But it was of no avail. The General's views remained unshaken, and the bridge abandoned, to the great relief and joy of Colonel St. George.

CHAPTER III.

Armistice on Niagara Frontier—Hull favors the re-crossing of Detroit River—Colonel Cass Remonstrates—Battle of Brownstown—Evacuation of Canada—Engagement in the Woods of Magnaga—Colonel Cass Volunteers to lead a Detachment through the Wilderness to the River Raisin—General Brock's Arrival at Sandwich—Summons the American Fort at Detroit—Bombardment—Hull's Surrender—Indignation of Colonel Cass and the Troops—His Return from the River Raisin—Disposition to Fight—Breaks his Sword.

Intelligence reached Sandwich, that an armistice had been agreed upon, at Washington or elsewhere, but that it did not include the armies upon this portion of the frontier; and now, instead of the promised diversion in his favor, on the line of the Niagara, General Hull suspected that the entire British force would be concentrated against him. He at once abandoned all efforts for penetrating farther into the enemy's country, and entertained the idea of retracing his steps, and removing his command to Detroit. Colonel Cass remonstrated against such imbecile and inglorious conduct. He presented to the view of his General the injury it would inflict upon the spirit and courage of the volunteers, now panting for action; he adverted to the evidences which the Canadians daily gave, of their disposition to join the American cause; and in warm, but modest terms, descanted upon the facility with which he might capture the enemy, take possession of Malden, and thus secure the key which controlled all that frontier. The officers agreed in council, with Colonel Cass, and they unitedly urged that the troops be led to action. But Lieutenant Hanks, with a weak garrison at Macinac, had surrendered to a party of one thousand British and Indians, with the honors of war, and General Hull was more and more fearful that hordes of savages, under the lead of the active and wily Tecumseh, would come down upon him from the northern forests, and with resistless and demoniac fury, massacre the inhabitants, lay in ashes the village of Detroit, and drive him and his comrades into the waters of Lake Erie. Charity, with filmed eyes, perhaps, would say, "that the eyes of the patriot and soldier were closed, while those of the father and the paternal governor saw, in fancied vision, his beloved daughter and grandchildren already bleeding, the victims of savage barbarity."

An express came in from the vigilant Governor Meigs, announcing that Captain Brush had gone forward, by the way of the river Raisin, with an ample stock of provisions for his brave volunteers. Colonel Cass had also learned that a party of the enemy had left Malden, to intercept these supplies, and that the escort had reached the Raisin. The General was persuaded to detach Major Van Horn, with two hundred men, to hold this party in check. Tecumseh, at the head of his Indians, ambushed his path at Brownstown creek, and fell upon the Americans with such ferocity that eighteen were killed, twelve wounded, about seventy missing, and the Major retreated in the direction of Detroit.

The news of this disaster settled the question of the evacuation of Canada. The General, no longer doubting that the savages were upon the war-path in force, and well stocked, by British agents, with ammunition, and that his worst anticipations would be fully realized, if he remained in his present position or marched southerly, resolved to re-cross the river to Detroit, and issued his orders accordingly. And on the eighth of August, with deep chagrin and some mutinous dissatisfaction, his brave and lion-hearted officers and soldiers received the peremptory order to embark, and sullenly made this disgraceful retreat.

Colonel Cass again brought to the attention of his General, the absolute necessity of communicating with Captain Brush, and the propriety of detailing a guard sufficiently strong to ensure the safe conduct of the supplies, which were now understood to consist principally of beef cattle. General Hull acceded to the proposition, and on the same day of the re-crossing, detached Lieutenant Colonel Miller, with six hundred men, regulars and volunteers, with orders to meet and escort Captain Brush, with the supplies, to Detroit. After marching some twelve miles, along the margin of the Detroit river, Captain Snelling, in command of the advance guard, encountered a large body of Indians and British, drawn up in line of battle, in thickets of underbrush, in the vicinity of Maguaga. Tecumseh was again in command, and a severe fight ensued. The red *coats* fled—the red *men* still kept the ground, but at length were routed, and both retreated towards Brownstown, and succeeded in reaching Malden, with the loss of one hundred and thirty-four killed and wounded. The American loss was seventeen men killed and sixty-four wounded. While remaining in position at Maguaga, awaiting provisions, the men

having thrown away their knapsacks and rations upon engaging the enemy, the detachment was recalled to Detroit.

The battle of Maguaga following so closely upon the skirmish at Brownstown creek, and the Indians being so active and earnest in both instances, created additional agitation and alarm at headquarters. Rumor also stated that a large reinforcement of British troops was on the march from Niagara, and that the Six Nations of Indians were backward in espousing the American cause. General Hull was doubtful whether the supplies would ever reach his present head-quarters, and, gloomy and despondent, he called his officers around him, and proposed a retreat to some place near the rapids of the Maumee. But to this suggestion, Colonel Cass and all his brother officers, already so much dissatisfied with his ill-timed retreat from Canada as to be on the eve of mutiny, utterly dissented, and proposed, instead, that another effort should be made, regardless of personal consequences, to open a communication with Captain Brush. The General once more yielded to the patriotic counsel of his officers, and sent out another detachment of three hundred and fifty men, under Colonels Cass and McArthur, for this purpose. Colonel McArthur, being senior in rank, was in command of the expedition.

This detachment left head-quarters towards sunset in the afternoon of August fourteenth. It was an expedition full of anticipated peril and labor, for, if the half of what was asserted was true, the woods were alive with hostile savages, and, as their orders were to march by an unfrequented and circuitous route, by the way of an opening in the forest, where has grown up the thriving village of Ypsilanti, with an Indian trail as their only land mark, leading, at intervals, through bogs and swamps and over deep creeks, it was evident that they had no light service to perform, and that their path was full of danger. But there was no fear; and so readily did these patriotic men answer the call, and so quickly were they on the march, that there was no time to lay in a full supply of rations. They took such as happened to come in their way, and were at once ready for duty. They met with no interruption from the enemy.

It turned out, that, on the day before this detachment left Detroit, General Isaac Brock, the most active and intrepid commander in all the British Provinces, reached Malden, from Fort George, at the mouth of the Niagara river, and, on the next day,

assumed the command of the forces. It was generally supposed that he was still stationed at Fort George, and if a more accurate knowledge of his whereabouts was possessed by any person in the American army of the north-west, it was kept in profound secrecy. It was observable, that a party of the enemy, under Colonel Proctor, who had succeeded Colonel St. George, had taken post at Sandwich, and were proceeding to fortify the bank of the river. This was supposed to be a natural consequence of the evacuation, the enemy moving up, in part, to extend his fortifications; and strengthened the view of Colonel Cass and his brother officers, that the American policy was to get on the supplies, call for more troops, and make a stand at Detroit. Besides, a week had not elapsed since the first rumor of the armistice had reached the American garrison; and as it was rumored that General Brock was one of the high contracting parties to that transaction, the idea was not dreamt of; that his presence was so early expected on that frontier.

However, he was in fact in command on the fourteenth of August, and being a man of uncommon energy and decision, he entered forthwith upon active duty, and concentrated his forces at Sandwich. Accustomed to duty, and an accomplished soldier, he looked upon the evacuation as conclusive evidence of weakness. The private papers, captured the month previous, gave him full information of the number and character of the force against which he had to contend. The un-officerlike conduct of the American commander, since his arrival at Detroit, he attributed to vacillation and infirmity of purpose; and fully aware that supplies and a reinforcement were daily expected by General Hull, he believed it to be his policy to bring on an immediate engagement. Hence, on the fifteenth of August, he sent his two aids, Lieut. Col. McDonald and Major Glegg, to demand in form a surrender of Fort Detroit, intimating, as though he was sensible of the prominent fear of his antagonist, that it was not his inclination to join in a war of extermination, but that he had a numerous body of Indians attached to his command, which would be beyond his control the moment the contest commenced. The current history of that day asserts that the answer to this very unexpected and provoking summons, was tardily given. Perhaps the delay was to gain time. If so, the motive is praiseworthy. Its form, nevertheless, is open to criticism. Hull announced that

he was ready to meet any force which might be brought against him, and abide the consequences. If he had stopped here, it would have been commendable ; but, as if the British commander was in position merely to redress some supposed grievance to his own command, happening on that frontier, General Hull proceeded to beg his pardon for certain acts of his own officers, committed without his knowledge. He appeared to overlook the fact that the extreme measure contemplated by the British General, was for the purpose of advancing the cause of his gracious master on the other side of the Atlantic, and, if successful in his efforts, thus early acquiring an important advantage in the conduct of the war on that frontier. The answer, undoubtedly, strengthened General Brock in the belief that he was to meet a weak-hearted officer, and that his true course was to attack him in close contest. At any rate, he did not delay action, but opened his batteries on the same day, and commenced the bombardment of the town. The fire was returned, with some effect. General Hull was greatly alarmed, and sent out an express to reach the detachment under Colonels McArthur and Cass, commanding them to return as expeditiously as possible.

On the morning of the sixteenth of August, at an early hour, General Brock crossed the river, and effected a landing of his troops at a place called Spring Wells, three miles below the town of Detroit. He immediately marched towards the fort. The exact number can not be ascertained. General Brock reports his force to Sir George Provost, to have been thirteen hundred—seven hundred of whom were Indians. According to Captain Snelling, who attempted a count as they entered the fort, “there were, in advance, the troops of the 41st regiment, in platoons of fourteen files, as well as the York militia volunteers, twenty-nine platoons, two deep, in red coats ; that the militia platoons consisted of no more than seven or eight files, and composed one third of the whole force—probably seven hundred and fifty whites, of which the remaining two thirds were regulars and un-uniformed militia.”

Cotemporary accounts represent that General Hull was perplexed what to do, and greatly agitated. Believing that resistance was futile, and would lead to the barbarities of an Indian massacre, and not insensible to the disgrace of surrendering without an effort to defend the fort, he, even at this critical moment, wavered in his operations. At first, his troops were drawn up in

order of battle without the fort, his artillery advantageously planted, and his army, full of the confidence of victory, awaiting the approach of the proud enemy. When it had progressed within five hundred yards of the American lines, as if suddenly, and, in fact, unexpectedly, to all, General Hull gave that fatal and unaccountable order, to retire within the ramparts of the fortress. To say that the officers and men, of all grades and conditions, raised an universal cry of indignation, but feebly expresses their outraged feelings. They felt that British insolence had triumphed over American prowess at the very moment when all were ready to pour out their heart's blood upon the hallowed altar of their common country, in the defense of its just rights. They had been sensible, for many days, that their commander was unfit to be the leader of patriots, and lacked the most essential of all qualifications—true moral courage. And when they were flattering themselves that they had underrated him, their high hopes were dashed to the ground, and all subordination ceased. They crowded in, and, regardless of order and without any order from their General, stacked their dishonored arms, many dashing them with violence upon the ground. Some of those stalwart men wept like children, while the spirit of the women, aroused at the indignity, was heard, above the din, declaring, in impotent wrath, that the fort should not be surrendered. The student of history fails to find a parallel in all the records of the past. Hull, perceiving that his power had gone from him, and that he no longer was in authority, evinced hot haste to put the place under the protection of the British. The white flag was run up, flapping on the walls of the dishonored fortress; and, without consultation with his officers—with no stipulation for the honors of war for an insulted army, nor any provision for the safety of his Canadian allies—he concluded a capitulation with General Brock; giving up the public property, surrendering the regular troops as prisoners of war, and permitting the militia to return to their homes, on their parole, not to serve again during the war, unless exchanged.

While this scene was being enacted, Colonels Cass and McArthur arrived with their troops, eager for battle, having been overtaken, late the previous evening, by the messenger despatched to recall them. They and their men had promptly obeyed the order, and had made all haste, keeping under march throughout most of the night.

Along their precipitate march, they occasionally heard firing, in the direction of Detroit. This only served to hasten their steps, for as Hull sent word by the messenger that General Brock was at Sandwich, and had demanded a surrender, they supposed that probably the battle had commenced. When near Detroit, they learned, from some of the citizens fleeing from danger, that Hull had surrendered. They could not credit this unwelcome news. They halted, and sent forward scouts, who soon returned with the same intelligence. As it was useless to advance, and determined not to submit themselves, unconditionally, to the mercies of a haughty foe, they fell back, and halted, for refreshment, at the river Rouge. They took position near a bridge, which afforded some advantages for defense, if necessary. Here they slaughtered an ox, roasted, and ate it, without bread or salt, this being their first warm meal since they left Detroit, on the fourteenth, except some corn and pumpkins. When the meal was deliberately finished, Captain Mansfield was sent forward, to learn from the British commander upon what terms they were surrendered, and to give notice that, if it was unconditional, they should defend themselves. Before the return of Captain Mansfield, a British officer, Captain Elliott, bearing a flag, and accompanied by some Indians, approached the detachment, and delivered to Colonel McArthur a note from General Hull, to the effect that the detachment was included in the capitulation, and ordering it to return to Detroit. The detachment was compelled to comply with this distasteful capitulation, however repugnant to their views and inclinations; because, in this case, surrounded by a savage foe, and worn down and exhausted by fatigue, it was alike impossible to retreat through the woods to Ohio, or overpower the enemy, without provisions, and a scanty supply of ammunition. They therefore marched to Detroit and surrendered up their arms. But Colonel Cass, stung with mortification, when ordered to deliver up his sword, indignantly declined to do so, and, breaking the blade, threw it away.

CHAPTER IV.

General Brock's surprise at his Success—His Report—Colonel Cass a Prisoner of War—On his Parole—Interview with General Brock at Malden—General Hull ordered to Montreal—His Report—Effect of the News—The Ohio Volunteers on Parole—Reach Cleveland—Colonel McArthur, Senior Officer, orders Colonel Cass to Washington—Colonel Cass departs—Sickness at McConnelstown—The War Department Despatch a Messenger—Colonel Cass reaches Washington—His Official Letter—His return to Zanesville—His Conduct—Opposition to his Report—Mr. Rush—Colonel Cass' Letter to the Editors of the National Intelligencer—Mr. Eustis—His Clerk—False Impressions.

The fort at Detroit had surrendered, and the flag of stars and stripes no longer floated above its battlements. The British had taken possession without the firing of a gun, or losing of a drop of blood. The British commander had performed a valuable service for his government, with unexpected ease and facility, and without cost of life or treasure. With the possession of the fort, passed the government of the territory. It was now no longer American, but British, and General Brock at once proclaimed it, and enjoined obedience, investing Colonel Proctor with the reins of authority.

This success to the British arms, appears to have been unexpected to General Brock, for, in announcing the fall of Detroit, in a despatch written in the hour of triumph, directed to Provost, he says, "I hasten to apprise your excellency of the capture of this very important post. Twenty-five hundred troops have this day surrendered prisoners of war, and about twenty-five pieces of ordnance have been taken, without the sacrifice of a drop of British blood. I had not more than six hundred troops, including militia, and about six hundred Indians, to accomplish this service. When I detail my good fortunes your excellency will be astonished."

A few days subsequent to the surrender, Colonel Cass, while returning to Ohio, upon parole, was detained at Malden by a heavy wind, which prevented vessels from going out of the Detroit river. While there, he met General Brock, to whom General Hull had surrendered, and who was delayed by the same cause. General Cass had much conversation with him, upon the events of the recent campaign, and found him free and frank in his communications. He said that when he left the Niagara frontier, he had not the remotest expectation of capturing Detroit. He hurried up with the few troops he could withdraw from that frontier,

because he had ascertained the exposed condition of the western part of Upper Canada, which had been invaded by the Americans. It had been reported to him, that unless some demonstration was made, the Indians, upon whose co-operation much value was placed, would abandon the British standard, and return to their own country. That they were already discouraged by the progress of General Hull's army, and the disaffection was fast spreading among them. He could not well leave the scene of operations below, but still the circumstances seemed imperative, and he therefore hastened to the west, to take such measures as might seem necessary. He added, that on his arrival he found the American troops had abandoned Canada, and re-crossed the Detroit river. In this state of things, as he could not remain, it became necessary that he should strike some stroke which should preserve the confidence of the Indians, and to harass the enemy, and with these views, he passed the line, intending to take a position at the Spring Wells, and intercept the communication of General Hull with his own country. One of our mails had been taken at Brownstown, by the Indians, and its contents had been delivered to General Brock. He found there the correspondence of General Hull with the governors of some of the western states, and also with the war department. In it he expressed himself in very desponding terms, as to his position and prospects, and urged the necessity of additional reinforcements of men, and supplies of provisions. In fact, the destruction of Chicago seemed to destroy any little vigor General Hull had left, and from that time his imagination was filled with hosts of Indian warriors, who were to surround his unlucky command in numbers like the locusts of Egypt. General Brock read the feelings of General Hull in his letters, and his measures became the more efficient as his adversary became lowered in his esteem. He supposed that both ammunition and provisions were much more reduced there than they were, and his intention was to establish himself at the Spring Wells, and thus reduce us to want, or to compel us to meet him in the field. When he landed at the Spring Wells, he learned that there was a large detachment of the American army in his rear, being the one sent under Colonel McArthur and Colonel Cass to the river Raisin, to escort provisions which had been deposited there, and containing about three hundred and fifty men, about equal to one half of General Brock's force. An old chief came to him immediately after he

landed, and told him that there were American troops on the other side of him. He replied, He did not believe a word he said ; to which the chief answered, These old eyes saw the glistening of their big knives, (bayonets,) which are fastened to their guns. This information was soon corroborated by the statements of other persons, and General Brock became satisfied that he was in a critical position, for, though the result of accident, yet the detachment could not have been placed in a better place to annoy the British. Nothing remained for General Brock, but to make a bold stroke upon the fort, or to re-cross the river. The latter movement would have demoralized his force, and destroyed all confidence in his operations, and the Indians would have left him. He chose the bolder, but the wiser course, and moved up the river to the attack, still placing his main hope in the character of his antagonist. He was anxious to finish his work before the absent detachment should return. The reliance he placed upon the character of General Hull, proved correct, though he under-estimated his means of resistance. Unfortunately for the credit of our country, resistance there was none. An army, a fort, and a territory, were surrendered without firing a gun, or spilling a drop of blood. It is the only instance of such an unredeemed disgrace in our military annals. There is little danger that there will be another.

The tidings of this untoward disaster traveled all over the Union with great celerity. The opponents of the war took courage, and were lavish with their censure, while its advocates and supporters were dumb with amazement. The facts were distorted, and a reliable account of the transaction difficult to be obtained. General Hull stood high in the confidence of his government, and was reputed to be a man of valor and experience. It was known that the army entrusted to his command consisted mostly of volunteers from Ohio, and to this circumstance, more than any other, did the public mind, in the first utterance of its uncontrollable indignation, attribute the calamity. The brave officers, who had left their homes and families for the fatigues and privations of the soldier, came in for an inordinate share of derision, and upon their heads was profusely showered the wrath and scorn of all parties.

But in due time, as we shall presently see, truth rose above these clouds of obloquy and censure, and wrung from the most prejudiced foe, an expression of his conviction that it was the

General, and not his subordinates, who had cowered in disgrace before the growl of the British lion.

General Hull was ordered to Montreal, and it was a long time before his official report reached the Secretary of War. But it finally reached the department, bearing unqualified testimony to the gallant spirit which pervaded his officers and men. "A large portion of the brave and gallant officers and men I commanded," says he, "would cheerfully have contested until the last cartridge had been expended and their bayonets worn to the sockets. It is a duty I owe my associates in command, Colonels McArthur, Findlay, Cass, and Lieutenant Colonel Miller, to express my obligations to them for the prompt and judicious manner they have performed their respective duties. If aught has taken place during the campaign which is honorable to the army, these officers are entitled to a large share of it. If the last act should be disapproved, no part of the censure belongs to them."

The Ohio volunteers repaired to their homes, on their parole not to serve again during the war, unless exchanged, way-worn and dejected. To a man, they felt that the result of the unfortunate expedition, under Hull, would fill a sad page in the history of their country. Conscious of having performed their whole duty with a hearty will, they lingered on the way, almost ashamed to meet the faces of their friends and fellow-citizens. Censure, unmerited though it was, did not escape their ears. Sensitive of their wounded honor, they were anxious that their government and the whole country should be fully apprised of the facts as they had occurred. With this view, and in compliance with their earnest request, as soon as they reached Cleveland, in their own State, Colonel McArthur, their senior officer, ordered Colonel Cass to proceed to Washington, to render an account of the catastrophe.

Colonel Cass, with sorrow, exchanged salutations with his companions in arms, and immediately set out for the seat of government. He traveled on, without delay, as rapidly as his conveyance and his health would admit of, until he reached McConnells-town, in the State of Pennsylvania. Here, worn down by anxiety, exposure, and fatigue, and his system filled with the noxious miasma of swamps and marshes, he was attacked with a severe fever, which raged at its height for several days. In the meantime, Colonel McArthur had informed the War Department, by

post, that Colonel Cass was on his way, and would make a full and reliable report, as soon as he reached the capital. As no despatch was received from Hull, and none, with much confidence, expected, for some time to come at least, the government awaited Colonel Cass' arrival with great solicitude. Learning of his illness, and impatient for his communication, a messenger, with a carriage, was sent on to McConnelstown, and measures taken for his safe conveyance to Washington. Upon his arrival there, he forthwith submitted the following report to the government :

WASHINGTON, September 12th, 1812.

SIR :—Having been ordered on to this place by Colonel McArthur, for the purpose of communicating to the government such particulars respecting the expedition lately commanded by Brigadier General Hull, and its disastrous result, as might enable them correctly to appreciate the conduct of the officers and men, and to develop the causes which produced so foul a stain upon the national character, I have the honor to submit, for your consideration, the following statement :

When the forces landed in Canada, they landed with an ardent zeal, and stimulated with the hope of conquest. No enemy appeared in view of us, and had an immediate and vigorous attack been made upon Malden, it would doubtless have fallen an easy victory. I know General Hull afterwards declared he regretted this attack had not been made, and he had every reason to believe success would have crowned his efforts. The reason given for delaying our operation was, to mount our heavy cannon, and to afford to the Canadian militia time and opportunity to quit an obnoxious service. In the course of two weeks, the number of their militia, who were embodied, had decreased, by desertion, from six hundred to one hundred men ; and, in the course of three weeks, the cannon were mounted, the ammunition fixed, and every preparation made for an immediate investment of the fort. At a council, at which were present all the field officers, and which was held before our preparations were completed, it was unanimously agreed to make an immediate attempt to accomplish the object of the expedition. If, by waiting two days, we could have the service of our heavy artillery, it was agreed to wait ; if not, it was determined to go without it, and attempt the place by storm. This opinion appeared to correspond with the views of the General,

and the day was appointed for commencing our march. He declared to me that he considered himself pledged to lead the army to Malden. The ammunition was placed in the wagons; the cannons were embarked on board the floating batteries, and every requisite was prepared. The spirit and zeal, the ardor and animation displayed by the officers and men, on learning the near accomplishment of their wishes, was a sure and sacred pledge that, in the hour of trial, they would not be found wanting in duty to their country and themselves. But a change of measures, in opposition to the wishes and opinions of all the officers, was adopted by the General. The plan of attacking Malden was abandoned, and, instead of acting offensively, we broke up our camp, evacuated Canada, and re-crossed the river in the night, without even the shadow of an enemy to injure us. We left, to the tender mercies of the enemy, the miserable Canadians who had joined us, and the protection we afforded them was but a passport to vengeance. This fatal and unaccountable step dispirited the troops, and destroyed the little confidence which a series of timid, irresolute, and indecisive measures had left in the commanding officer.

About the 10th of August, the enemy received a reinforcement of four hundred men. On the 12th, the commanding officers of three of the regiments, (the fourth was absent,) were informed, through a medium which admitted of no doubt, that the General had stated that a capitulation would be necessary. They, on the same day, addressed to Governor Meigs, of Ohio, a letter, of which the following is an extract:

‘Believe all the bearer will tell you. Believe it, however it may astonish you, as much as if told by one of us. Even a c—— is talked of by the —— . The bearer will fill the vacancy.’

The doubtful fate of this letter, rendered it necessary to use circumspection in its details, and therefore the blanks were left. The word ‘capitulation’ would fill the first, and ‘commanding general’ the other. As no enemy was near us, and as the superiority of our force was manifest, we could see no necessity for capitulating, nor any propriety in alluding to it. We then determined, in the last resort, to incur the responsibility of divesting the General of his command. This plan was eventually prevented by two of the commanding officers of regiments being ordered upon detachments.

On the 13th, the British took a position opposite Detroit, and began to throw up works. During that and the two following days, they pursued their object without interruption, and established a battery for two eighteen pounders and an eight inch howitzer. About sunset on the 14th, a detachment of three hundred and fifty men, from the regiments commanded by Colonel McArthur and myself, was ordered to march to the river Raisin, to escort the provisions, which had some time remained there, protected by a party under the command of Captain Brush.

On Saturday, the 15th, about one o'clock, a flag of truce arrived from Sandwich, bearing a summons, from General Brock, for the surrender of the town and fort of Detroit, stating he could no longer restrain the fury of the savages. To this, an immediate and spirited refusal was returned. About four o'clock, their batteries began to play upon the town. The fire was returned, and continued, without interruption, and with little effect, till dark. Their shells were thrown till eleven o'clock.

At daylight, the firing on both sides re-commenced; at the same time, the enemy began to land troops at the Spring Wells, three miles below Detroit, protected by two of their armed vessels. Between six and seven o'clock, they had effected their landing, and immediately took up their line of march. They moved in a close column of platoons, twelve in front, upon the bank of the river.

The fourth regiment was stationed in the fort; the Ohio volunteers and a part of the Michigan militia, behind some pickets, in a situation in which the whole flank of the enemy would have been exposed. The residue of the Michigan militia were in the upper part of the town, to resist the incursions of the savages. Two twenty-four pounders, loaded with grape shot, were posted on a commanding eminence, ready to sweep the advancing column. In this situation, the superiority of our position was apparent, and our troops, in the eager expectation of victory, awaited the approach of the enemy. Not a sigh of discontent broke upon the ear; not a look of cowardice met the eye. Every man expected a proud day for his country, and each was anxious that his individual exertion should contribute to the general result.

When the head of their column arrived within about five hundred yards of the head of our line, orders were received from General Hull for the whole to retreat to the fort, and for the

twenty-four pounders not to open upon the enemy. One universal burst of indignation was apparent upon the receipt of this order. Those, whose conviction was the deliberate result of a dispassionate examination of passing events, saw the folly and impropriety of crowding eleven hundred men into a little work which three hundred men could fully man, and into which the shots and shells of the enemy were falling. The fort was, in this manner, filled; the men were directed to stack their arms, and scarcely was an opportunity afforded of moving. Shortly after, a white flag was hung out upon the walls. A British officer rode up to inquire the cause. A communication passed between the commanding generals, which ended in the capitulation submitted to you. In entering into this capitulation, the General took counsel from his own feelings only. Not an officer was consulted. Not one anticipated a surrender, till he saw this white flag displayed. Even the women were indignant at so shameful a degradation of the American character, and all felt but he who held in his hands the reins of authority.

Our morning report had that morning made our effective force present, fit for duty, one thousand and sixty, without including the detachment before alluded to, and without including three hundred of the Michigan militia on duty. About dark, on Saturday evening, the detachment sent to escort the provisions received orders from General Hull to return with as much expedition as possible. About ten o'clock the next day, they arrived within sight of Detroit. Had a firing been heard, or any resistance visible, they would have immediately advanced and attacked the rear of the enemy. The situation in which this detachment was placed, although the result of accident, was the best for annoying the enemy and cutting off his retreat, that could have been selected. With his raw troops, enclosed between two fires, and no hope of succor, it is hazarding little to say, that very few would have escaped.

I have been informed by Colonel Findlay, who saw the return of the quartermaster general the day after the surrender, that their whole force, of every description, white, red, and black, was one thousand and thirty. They had seventy-nine platoons, twelve in a platoon, of men dressed in uniform; many of these were evidently Canadian militia. The rest of their militia increased their whole force to about seven hundred men. The number of Indians could not be ascertained with any degree of precision; not many were

visible, and in the event of an attack, could afford no material advantage to the enemy.

In endeavoring to appreciate the motives, and to investigate the causes which led to an event so unexpected and dishonorable, it is impossible to find any solution in the relative strength of the contending parties, or in the measures of resistance in our power. That we were far superior to the enemy ; that upon any ordinary principle of calculation, we would have defeated them, the wounded and indignant feelings of every man there will testify.

A few days before the surrender, I was informed by General Hull, we had four hundred rounds of twenty-four pound shot fixed, and about one hundred thousand cartridges made. We surrendered with the fort, forty barrels of powder and twenty-five hundred stand of arms.

The state of our provisions has not been generally understood. On the day of the surrender, we had fifteen days' provisions of every kind on hand—of meat, there was plenty in the country, and arrangements had been made for purchasing and grinding the flour. It was calculated we could readily procure three months' provisions, independent of one hundred and fifty barrels of flour and thirteen hundred head of cattle, which had been forwarded from the State of Ohio, which remained at the river Raisin, under Captain Brush, within reach of the army.

But had we been totally destitute of provisions, our duty and our interest undoubtedly was to fight. The enemy invited us to meet him in the field.

By defeating him, the whole country would have been open to us, and the object of the expedition gloriously and successfully obtained. If we had been defeated, we had nothing to do but to retreat to the fort, and make the best defense which circumstances and our situation rendered practicable. But basely to surrender, without firing a gun—tamely to submit, without raising a bayonet—disgracefully to pass in review before an enemy, as inferior in quality as in the number of his forces, were circumstances which excited feelings of indignation, more easily felt than described. To see the whole of our men flushed with the hope of victory, eagerly awaiting the approaching contest, to see them afterwards dispirited, hopeless, and desponding, at least five hundred shedding tears because they were not allowed to meet their country's foes, and fight their country's battles, excited sensations

which no American has ever before had cause to feel, and which, I trust in God, will never again be felt, while one man remains to defend the standard of the Union.

I am expressly authorized to state, that Colonel McArthur and Colonel Findlay, and Lieutenant Colonel Miller, viewed this transaction in the light which I do. They know, and feel, that no circumstances in our situation, none in that of the enemy, can excuse a capitulation so dishonorable and unjustifiable. This, too, is the universal sentiment among the troops; and I shall be surprised to learn that there is one man who thinks it was necessary to sheathe his sword or lay down his musket.

I was informed by General Hull, the morning after the capitulation, that the British forces consisted of one thousand eight hundred regulars, and that he surrendered to prevent the effusion of human blood. That he magnified their regular force near five fold, there can be no doubt. Whether the philanthropic reason assigned by him is a justification for surrendering a fortified town, an army, and a territory, is for the government to determine. Confident I am, that had the courage and conduct of the General been equal to the spirit and zeal of the troops, the event would have been brilliant and successful, as it now is disastrous and dishonorable.

Very respectfully, sir,

I have the honor to be

Your most obedient servant,

LEWIS CASS,

Colonel 3d Regiment Ohio Volunteers.

The Honorable WILLIAM EUSTIS,

Secretary of War.

The appearance of this report created a profound sensation in the public mind, and was published and commented upon in all the leading newspapers throughout the country. The political party known as the Federal party, was violently opposed to the war, and the surrender of Detroit, while carrying dismay among the friends of the national administration, appeared to madden its enemies with a species of joy, bordering upon ferocity. The intervening month had been industriously improved by the Federalists, to prostrate it under that disaster. The good name of Mr. Madison did not shield him from malevolence, and the effort now

was, to shake public confidence in the authenticity of Colonel Cass' statements ; and they sought to demolish him and his report by the most fiery denunciations and incessant vituperation. They arraigned him before the bar of public opinion, relying upon the apologetical report of Hull to sustain their accusations. The documents in his possession, however, triumphantly sustained the young and gallant colonel, and when driven to the wall, his discomfited assailants contented themselves with criticising his language and style, and finally rested upon the position that, after all, he was not the author of the report, but had made his bow to the people in borrowed plumage, kindly furnished for the occasion by Richard Rush, then the Comptroller of the Treasury.

No person can fail to perceive that this distinguished report contains a clear and full narrative of the surrender. It was well received by the government, and by a large majority of the people. Although "a fortified post, an army, and a territory" had been lost, at the very commencement of hostilities, yet it was apparent to every candid mind, that the disaster was attributable to the weakness and incompetency of the commanding general, and not to the want of bravery or discipline on the part of his officers and men.

Colonel Cass, soon after submitting his report to the Secretary of War—his health being sufficiently recruited to enable him to travel—left the capital, and journeyed homeward, and joined his family near Zanesville, in the early part of October. Notwithstanding he was now a prisoner of war, at large on his parole, yet he had no occasion to be ashamed of his military career, thus far. Whenever the opportunity was offered him, he had conducted himself with honor and courage. No man did more to keep up the drooping ardor of his General. Of all the command, he was first to step on the enemy's soil—of all the officers, he was first in battle. The first victory, and the first laurel, in the long train so gallantly won by his countrymen on land and sea, was *his*. Nor did he avail himself of the present occasion to drowse in domestic repose, but, with his voice and pen, was constantly calling upon his fellow-citizens, undismayed by the misfortune of the past, to rally around the patriot Madison, and sustain his administration at every cost and hazard. An intense hatred of monarchy, and all its aristocratic institutions, was a part of his very nature, and it had full scope in the contest now waged with England.

The opponents of the war measures omitted no occasion to cast odium and contempt upon Mr. Madison and his cabinet, and were unceasing in their efforts to disparage and throw discredit upon all, especially upon those whose testimony might serve to show that the administration was able and patriotic ; and hence the rumors, forged to order, of the incapacity of Colonel Cass. But the patriotism and talents of the young warrior were too brilliant to be tarnished by such means, and the people too intelligent not to understand that these rumors were the offspring of an envious and hostile faction.

So much was said at Washington about the authorship of "the report," and had been reiterated elsewhere, that Mr. Rush, of his own accord, transmitted to Colonel Cass, at his residence in Ohio, a letter in denial, with a copy of the *Intelligencer* containing the statement. Although Colonel Cass, of course, was aware that the accusation was traveling the rounds of the Federal press, yet hitherto he had not deemed it of sufficient importance to merit any notice. But as it was now announced, in unmeasured terms, in an influential paper at Washington, at the door of the War Department, he could do no less than forward to the editors of the *National Intelligencer*, for publication, the following note :

"To the Editors of the *National Intelligencer* :

GENTLEMEN :—I transmit to you, for publication, the enclosed letter, politely, and without solicitation, addressed to me by Mr. Rush.

So far as respects myself, the tale it refutes merits no consideration, and would meet no attention. Whether I am competent to the task of relating plain facts, many of which I saw, and on all of which I have had the feelings and information of hundreds to guide me, is a question of no importance to the public, and of no interest to those editors who have asserted or insinuated it. But it is deeply interesting to their passions and pursuits, that every account which tends to exonerate the government from all participation in the event of an expedition feebly conducted, and in a capitulation dishonorably concluded, should be assailed openly and covertly. I was aware that every man who should attempt by a disclosure of the truth, to give correct information, must expect to have his motives impugned and his character assailed, with all the rancor of malignity and eagerness of party. As I felt

no disposition to covet, so I trust there was no necessity for avoiding, an investigation like that. I had witnessed the irritation of feeling, and the latitude of observation, in many papers of the country.

The terms 'conscripts,' a 'little still-born army,' and every injurious and opprobrious epithet which party zeal could lavish upon western patriotism and enterprise, I have observed with regret, but without surprise. But I had to learn that the editor of a newspaper, upon his own responsibility, would propagate a tale so false and unqualified as that in the *United States Gazette*, of — October last. The letter transmitted will show what credit is due to the assertions of men who can discover little to condemn in an enemy's government, and none to approve in their own.

I can not resist the present opportunity of placing in a proper point of view, a transaction misrepresented with all the virulence of faction. The capitulation for the surrender of Detroit, contained no stipulations allowing the commanding officer to forward to his government an account of the causes which produced, and of the circumstances which attended, so unexpected an event. The commanding officer himself became an unconditional prisoner of war. His liberation, or the intelligence he might communicate to his own government, depended on the interest or caprice of the enemy. In this situation, on the arrival of Colonel McArthur within the jurisdiction of the United States, he became the senior officer of those troops which, by the capitulation, were permitted to return home; and as such, it became a matter of duty to report himself to the government, and of propriety, to communicate to them all the intelligence in his power. For this purpose, the second officer in command present, was ordered to repair to the seat of government. On his arrival, he found the rumor of the disaster had preceded him, and that information was anxiously and impatiently expected. Public report had informed the government that they had lost a fort, an army, and a territory, but of the remote or direct causes which occasioned it, of the situation of their own troops, or of the designs of the enemy, they were profoundly ignorant. Were they, in this situation, fastidiously to reject proffered information, and continue willfully ignorant of a transaction so striking in its features, and so important in its consequences to the peace and character of a nation? or were they not compelled, by duty, to seek every means of information, in

order with promptitude to repair the evil, and with vigilance prevent the repetition of a similar one? Their duty surely can not be mistaken by the most bigoted zealot of party. The act, then, of communicating intelligence, and of receiving it, was not merely natural, but commendable. It was a duty over which the government had no control. As the officer gave it, they must receive it, neither accountable for the manner nor the accuracy of his relations.

The question which has been so ably discussed, whether this statement is official, in itself a very clear one, will become important and interesting when disputes about words shall again agitate the feelings and divide the opinions of the world. Until then, it is cheerfully relinquished to those who have so learnedly investigated it.

That an officer in his report must confine himself to those facts which passed within his own observation, and to which he could testify in a court of justice, is among the moral and extraordinary pretensions to which this communication has given birth. Meagre, indeed, would be every similar statement, were such a principle correct in theory, or supported by practice. In a complicated transaction, it would present but a skeleton of a report, omitting many interesting details essential to a correct view of the subject, and necessary in the succession of facts which connect causes with their consequences. It would require almost as many reports as there were actions, and instead of a faithful sketch by a single hand, a motley and discordant group of objects would meet the eye, exciting little interest, and conveying little information. But independently of any speculative views which may be taken of the subject, it is sufficient to refer every candid and dispassionate observer, to the report of military transactions which daily appear in our and in other countries. The futility of the objection will at once be exposed, for it will be found that a report is seldom, if ever, made without violating this rule, for the first time applied as the standard to the statement of an officer of the most important military event which has occurred for many years in the history of his country.

The propriety of publishing such a report, remains duly to be investigated. In a government, formed on the power and supported by the confidence of the people, the right of the public to receive information on all national transactions, is too clear to

require support or to fear denial. Whether a battle be won or lost—whether the event be brilliant or disastrous—the duty of communicating, and the right of claiming information, is the same. For weeks after the surrender of an important post, while the public mind is agitated and public expectation is alive, the government receives from an officer, despatched by a senior officer within their jurisdiction and subject to their control, a statement of the circumstances which preceded and accompanied the transaction. Two weeks would have been sufficient for the commanding officer to have forwarded his despatches, had the capitulation conferred on him the right, or the enemy the favor of doing it immediately subsequent to the surrender. The government had a right to conclude the privilege was refused him, or the duty omitted by him. That portion of the troops which, by the capitulation, were to be conveyed to the United States, afforded a secure opportunity for this purpose. This having failed, it became uncertain at what period his communication would be received. Was the government then to withhold the information they possessed because the information attributed the failing of the expedition to the commanding officer? The character of the nation, the reputation of the government and of every individual embarked in that expedition, were involved in its issue. Was it of any importance, by a correct disclosure of facts, to redeem the public character and feelings? Was it of no importance, by placing, in a proper point of view, the features of the transaction, to show that the boasts of the enemy were as vain as their conquest was bloodless? To prove to our country that her sons might yet be led on to battle, and perhaps to victory? The government, too, had a reputation to lose. That reputation was eagerly assailed. The failure of the expedition was attributed to the want of preparation, and the measures respecting it were characterized as imbecile and ignorant. The forbearance demanded was far from being granted. So far as respects the commanding officer, the details of an unfortunate expedition must be shrouded in Delphic obscurity, and the public await, in dubious suspense, the tedious process of military investigation. But every little nameless paper is at liberty to display its brilliant wit and sarcastic remarks at the expense of those who planned and ordered the expedition. Their reputation awaits the result of no trial. They must be offered up, an expiatory sacrifice, upon the altar of public indignation. The contem-

plated investigation, which is ultimately to determine the respective measure of merit and of blame, here becomes unnecessary. Its result is anticipated with that confidence which ought only to be inspired by an accurate knowledge of the attendant circumstances. To require, in such a situation, a studious concealment of those facts which would enable the public correctly to appreciate the conduct of all, is to require a species of forbearance as little suited to the practice as the duties of life. I am aware that nothing which can be said upon this subject, will, with many, carry conviction or produce acknowledgment. The most obvious considerations of reason and of justice will be overlooked. Such, in the conflicts of opinion and the collision of party, has always been the case. But truth will ultimately prevail, and the public will evidently be enabled correctly to estimate the conduct of all who have had any agency in a transaction so deeply interesting to their character and feelings.

November 20th, 1812.

(Signed,)

LEWIS CASS."

The enclosure referred to, reads as follows :

"WASHINGTON, November 3d, 1812.

DEAR SIR:—It was not until after I had had the pleasure to see you, and for some time after you left Washington, that the foolish insinuation, which has appeared in some of the newspapers, of my having been concerned in writing the letter you addressed to the Secretary of War, first came to my ears ; nor have I, to this day, seen the insinuation in print.

I would have contradicted it at once, but that it seemed to me quite superfluous, and that it would be to confer a notice upon it which its idle character did not deserve. In what so strange an untruth could have originated, I am sure I know not ; neither can I divest myself of embarrassment in thus troubling you with a line about it. I have not yet heard it said that I wrote the address you delivered to the volunteers of Ohio in the spring, before I had the pleasure to see or to know you ; and yet it is certain that I wrote as much of that as I did of your letter to the Secretary of War.

I sincerely hope your health has been re-established since you left Washington, and that, to other causes of regret, connected

with your march to Detroit, there will not be added that of any permanent injury to your constitution.

Believe me, dear sir, with great respect and esteem,

Your obedient servant,

(Signed,) RICHARD RUSH."

This unanswerable rejoinder of Colonel Cass, silenced, for the time being, the batteries of the opposition, and many of the conductors of the public press had the magnanimity to insert it in their columns. "In what so strange an untruth could have originated," remained a profound mystery for some time. But it turned out to be the fact, that one of the clerks in the bureau of Mr. Rush happened into his office when Colonel Cass was reading the report to him, prior to its presentation to Mr. Eustis, the Secretary of War, and this clerk took it for granted, but untruly, that Colonel Cass had drawn up the report agreeably to some previous understanding with Mr. Rush, and was then submitting it to him for revision and correction. Not content with simply stating what he saw and heard, (and which, indeed, would have been a violation of the confidential relations existing between the head of a bureau and his clerk, especially at that critical juncture of public affairs,) he had the effrontery to intimate to the enemies of the government, that Colonel Cass was a mere puppet in the hands of the Comptroller of the Treasury. The circumstance, that this person was so near to Mr. Rush in the public employment, gave color to the truth of his intimation, (which, in the end, he admitted was the mere coinage of his own brain,) and was seized upon with avidity to annoy the administration.

The report, as subsequent proofs attested, told the truth and the whole truth. As Mr. Madison was a member of Mr. Jefferson's cabinet in 1806, he had occasion to know the character of Colonel Cass, and unhesitatingly placed implicit reliance in his statements, as coming from a man of truth and of steadfast attachment to the measures of the government.

Mr. Rush stood deservedly high in the confidence of the President, and his patriotism was unquestioned by both friend and foe. He and Colonel Cass were known to each other, by reputation, as leading members of the same political party, in their respective States; both were ardent advocates of the necessity of the war, and unwavering supporters of all the measures brought forward

to carry it on to success ; both appreciated each other's feelings at Hull's disgraceful surrender, and were alike sensitive to the inflammatory appeals, daily made by the friends of England, to excite the prejudices of the people of the country. It was but natural, therefore, that Mr. Rush should make Colonel Cass' acquaintance, upon his reaching the seat of government, and evince an intense anxiety to be made acquainted with the posture of affairs at the north-west ; and it was equally natural that Colonel Cass should be perfectly willing to gratify his friend, occupying a confidential position under the administration, and, as the most satisfactory mode of doing so, should read to him his report to the Department of War. He did so, and Mr. Rush, unlike his silly clerk, had the good sense not to precede that department in its promulgation to the world.

CHAPTER V.

Action of War Department—Of Congress—General Assembly of Ohio—Confidence in Colonel Cass—Colonel in U. S. Army—Raises a Regiment—Elected Major General of the Militia—Appointed Brigadier General in U. S. Army—Joins the Army under General Harrison at Senecatown—Ardor of his Command—General Harrison's Confidence in him—The Enemy at Lower Sandusky—Major Croghan—His Gallant Defense—Artifice of the British Officers—General Harrison marches to Sandusky—Perry's Victory—Embarkation on Lake Erie—Harrison assigns Command of Debarkation to General Cass—Arrival at Malden—Proctor's Retreat—Council of War—Pursuit of Proctor—Battle of the Thames—Defeat and Flight of Proctor—Pursued by General Cass—Harrison's Testimony to General Cass' Personal Exertions—His Bravery.

The administration, acting upon the report of Colonel Cass, verified by the unanimous approbation of all his fellow soldiers, no longer doubted that the disastrous result at Detroit was attributable to the incapacity and cowardice of Hull, and took vigorous steps to retrieve the honor of the American arms. Congress assembled on the fourth of November, after an unusually short recess, and the President immediately invited its attention to the state of affairs at the north-west. An increase of the army was recommended.

The surrender of Detroit, instead of repressing, stimulated the ardor and patriotism of the hardy settlers of the western country, and Ohio had put on foot by the time Congress assembled, some three thousand additional volunteers. In December, Colonel Cass was appointed a Major-General of the Ohio militia, but being yet on his parole, unexchanged, he could not then take an active part in the war. The General Assembly of Ohio also, in the same month, adopted resolutions complimentary to their volunteers, and tendering the thanks of the State to the officers and soldiers for their patriotism, bravery, and general good conduct during the late campaign.

On the fourteenth day of January, 1813, Congress authorized the military force to be increased by such a number of regiments of infantry, not exceeding twenty, as the good of the service might require, and repealed, at a subsequent day of the same session, the law authorizing the further acceptance of volunteers. As the patriotism of Ohio was unquestioned, and her citizens had manifested a readiness on so many trying occasions to answer the call of their country, the President resolved to raise two regiments of regular troops in that State, to wit, the twenty-sixth and the

twenty-seventh. The raising and organization of the last was committed to Colonel Cass. He was exchanged and released from his parole about the middle of January, 1813, and was, therefore, again in a situation to report for duty. He accepted the appointment of the President, and was commissioned a colonel in the regular service. And so great was the confidence of the government in his ability and judgment, that he was clothed with authority to select his own officers (except the field officers,) for the regiment to be placed under his command.

Colonel Cass received his new commission in person at Washington, and soon afterwards repaired to Ohio, to fill up his command. Without difficulty, he succeeded beyond his most sanguine anticipations. It was stirring times there. Mortified beyond measure of expression at the cheap victory of the British, the men of Ohio meant it should be a barren one. And, as they did not now permit themselves to doubt that the Indians, controlled by the arts and eloquence of Tecumseh, were firmly attached to the cause of Great Britain, they came forward and offered their services. The ranks of the twenty-seventh regiment, as well as those of the twenty-sixth, were filled up by the ensuing month of March, and reported ready for duty. The rank of Brigadier General in the Army of the United States was now conferred upon Colonel Cass, as a reward for his meritorious services and unflinching fidelity, and because the government desired to avail itself of the benefit of his invaluable judgment and bravery in the campaign of the ensuing year. The United States, in April, was divided into nine military districts, and Brigadier General Cass was assigned for duty in the eighth, under the command of Major General William H. Harrison, comprising the States of Ohio and Kentucky, and the Territories of Indiana and Michigan.

In conformity to his orders, General Cass left the seat of government early in the spring, and proceeded to the west, to place himself at the head of his brigade. He joined General Harrison at Senecatown in the month of July, with an effective command; and with enthusiastic ardor he looked forward to the hour when, by the blessing of Providence, he should have the unspeakable pleasure of again beholding the glorious stars and stripes floating in triumph from the flag-staff of Fort Detroit.

The object of the present expedition was, the capture of the British army, and re-possession of the lost Territory of Michigan.

The plan of the campaign was to invade Canada by Malden, and having reduced that stronghold of the enemy, to march upon Detroit. Aside from the unfeasibleness of the route by land, at the head of Lake Erie, Tecumseh's trained bands roamed in too great numbers along the edges of the swamps, and over the boundless forests, ready to harass the troops on the march, to justify a movement in that direction. The enemy's war vessels, ready for a hostile engagement, were also ready to intercept, if an effort was made to cross by water; and as General Harrison was directed to act in conjunction with Commodore Perry, then fitting out a fleet at Erie, lower down the lake, it was determined to remain at Senecatown until that flotilla arrived to transport the army to Canada. Here the army remained, employed in drilling and other necessary duties, until the junction of the Kentucky militia, under Governor Shelby, and the victory of Perry, upon Lake Erie, enabled General Harrison to commence offensive operations.

Subsequent events proved the wisdom of this determination. It is to be borne in mind, likewise, by the candid inquirer after truth, that the forces, prior to the arrival of the Kentucky troops, were comparatively few, and had been hastily collected: that the advices to head-quarters were to the effect that the proper authorities were making arrangements to furnish the army with reinforcements from all parts of the west; that magazines were forming, and supplies preparing for the accomplishment of the ultimate object of this campaign, as soon as the state of the arrangements and the anticipated command of the lake, should enable the army to move forward with a reasonable prospect of success; that the strength of the enemy, in regular troops, militia, or Indians, was wholly unknown to the commanding officer, and that upon that army rested the last hope of safety for the frontier. It was the point of concentration, and if destroyed, the country would have been laid waste far into the interior, and the prosecution of another offensive campaign during that year, would have been rendered impossible. Such interests were too great to be put to hazard by a false movement, and General Harrison, aided by the constant advice and presence of General Cass, with whom he consulted more than any other officer, resolved to await the result at Senecatown and there to defend himself, if attacked, to the last extremity. The course adopted was approved by all the superior officers who were with him.

On the first of August, one of the scouting parties sent out by General Harrison, returned from the lake shore to camp, and reported that they had discovered, the day before, the enemy in force near the mouth of the Sandusky bay, nine miles to the northward. In the course of the next day, listening with anxiety in the environs of his camp, General Harrison, having heard the report of cannon in the direction of the lake, made several attempts to ascertain the force and situation of the enemy. His scouts were unable to get near the fort at Lower Sandusky, because the Indians surrounded it. Finding, however, that the enemy had only light artillery, and being well convinced that it could make little impression upon the works, and that any attempt to storm would be resisted with effect by Major Croghan, in command of the post with one hundred and sixty men, he waited for the arrival of two hundred and fifty mounted volunteers, who had, the evening before, left Upper Sandusky, and were momentarily expected. A scout soon came in, and gave information that the enemy were retreating, and General Harrison, with the dragoons that had now arrived, forthwith set out to endeavor to overtake them, at the same time ordering Generals Cass and McArthur to follow rapidly on with all the infantry, (then about seven hundred,) that could be spared from the protection of the stores and sick. He found it impossible to overhaul the enemy. Upon his arrival at Sandusky, it appeared that an unsuccessful attempt to storm the fort had been made by the enemy, consisting of four hundred and ninety regular troops, and five hundred Indians, commanded by General Proctor in person, and that Tecumseh, with some two thousand warriors, was somewhere in the swamps between Senecatown and Fort Meigs, awaiting his advance, or a convoy of provisions. With no prospect of doing anything in front, and apprehensive that Tecumseh might destroy the stores and small detachments in his rear, he sent orders to General Cass, who commanded the infantry, to fall back to Senecatown. Scouting parties were sent out in every direction, who reported that not an enemy was to be seen. On the third of August, General Harrison returned to his head-quarters, and on the fifth received from Major Croghan his official report, from which it appeared that on Sunday evening, the first of August, the enemy made his appearance, and as soon as General Proctor had made such a disposition of his troops as to cut off retreat, should Major Croghan be disposed to make one,

he sent two of his officers with a flag, to demand the surrender of the fort. Major Croghan returned for reply, that he should defend the place to the last extremity, and that no force, however large, would induce him to capitulate.

Major Chambers, one of the officers who had waited on the commandant of the fort with the summons to surrender, resorted to an unworthy artifice, as he was retiring. Meeting Ensign Shipp, the major observed, that his general had a number of cannon, a large body of regular troops, and so many Indians, whom it was impossible to control, that, if the fort was taken, as it must be, the whole of the garrison would be massacred. Ensign Shipp, nothing daunted by the impertinence, promptly remarked, that it was the united resolve of Major Croghan, his officers and men, to defend the garrison or be buried in it, and that Major Chambers' general, and all his force, might do their best. Colonel Elliott, the other British officer, then observed to Ensign Shipp, that he was a fine young man. "I pity," said he, "your situation; for God's sake surrender, and prevent the dreadful slaughter that must follow resistance." Shipp turned from him with indignation, and was immediately taken hold of by an Indian, who attempted to wrest his sword from him. Elliott pretended to exert himself to release Shipp from the Indian, and expressed great anxiety to get him safe into the fort.

So soon as the flag had returned to the enemy's head-quarters, a brisk fire was opened upon the fort from gun boats in the river, and from a five and one half inch howitzer on shore, which was kept up, with little intermission, throughout the night. At an early hour the next morning, three six pounders, at the distance of within two hundred and fifty yards of the pickets, whither they had been placed during the night, began to play upon the Americans, but with little effect. About four o'clock in the afternoon, discovering that the fire from all the enemy's guns was concentrated against the north-west angle of the fort, Major Croghan became confident that the object was to make a breach, and attempt to storm the works at that point. He therefore ordered out as many men as could be employed, for the purpose of strengthening that part, and it was so effectively secured, by means of bags of flour, sand, etc., that the picketing suffered little or no injury. But the enemy having formed in close column, advanced to the assault at the expected point, at the same time making two

feints in another direction. The column which advanced against the north-west angle, consisted of about three hundred and fifty men, and was so enveloped in smoke as not to be discovered until it had approached within eighteen or twenty paces of the lines. Yet the Americans, being all at their posts and ready to receive it, commenced so heavy and galling a fire as to throw the column a little into confusion. Being quickly rallied, it advanced to the outer works, and began to leap into the ditch. Just at that moment, a fire of grape was opened from a six pounder, previously arranged by Major Croghan so as to rake in that direction, which, together with the musketry, threw the enemy into such confusion that they were compelled to retire precipitately to the woods. This noble six pounder did the work effectually. It was the only piece of artillery in the fort, and poured destruction, with its half load of powder and double charge of leaden slugs, at the distance of thirty feet, killing or wounding nearly every man who had entered the ditch.

During the assault, which lasted about half an hour, an incessant fire was kept up by the enemy's artillery, consisting of five six pounders and a howitzer, but without effect. The entire loss to the Americans was one killed and seven wounded slightly, whilst that of the enemy, in killed, wounded and prisoners, reached one hundred and fifty. Seventy stand of arms, and several braces of pistols, belonging to the British, were collected near the works; and about three o'clock in the morning, the enemy sailed down the river, leaving behind them, in their haste, a boat containing clothing and considerable military stores. This attack and the successful defense, gave fresh courage to the troops, and inspirited the whole army with renewed animation. The bold and energetic answer to the summons to surrender, together with the decisive bravery exhibited by the Americans, unquestionably had the effect to dispirit General Proctor in making further efforts to penetrate the country, and he retired to Amherstburgh.

During the investment of the fort, Major Croghan wrote a letter, directed to General Harrison, which, after he was called to an account for it at Senecatown, he most satisfactorily explained to the commanding general, by the circumstances of his position, and by his wish to deceive the enemy, should the letter fall into their hands. It was a letter, not designed for the American, but the British General. The propriety of Major Croghan remaining

at the fort was questioned, in some quarters, at the time, but General Cass always thought, and so did General Harrison, that he did right to remain, because a retreat, under the circumstances, was more dangerous than a defense. In speaking of this matter, twenty-seven years afterwards, General Cass remarks: "I am well aware, too well aware, that Colonel Croghan has not always felt satisfied at the course adopted by General Harrison towards himself. But he was in error. I was the common friend of both, and knew their sentiments towards each other. General Harrison was strongly attached to Croghan, and was proud of him, looking upon him as his military *élève*. And, indeed, he was a noble young man, with high qualities, and well he proved it by his repulse of the enemy from his post. General Harrison was incapable of jealousy, and he rejoiced, 'with exceeding great joy,' (for I saw it,) at the success which his young friend had obtained."

The attack upon Sandusky had a good effect upon the Indians. Some of them soon began to show symptoms of a disposition to side with the Americans; and, before the month of August had elapsed, the chiefs Black Hoof, the Crane, and the Snake, with two hundred and fifty-nine of their warriors, joined General Harrison, and declared that they intended to fight in defense of the United States. General Harrison, ably seconded by General Cass and General McArthur, throughout the month continued the most effective measures to fill up his command with regular troops, to the number of seven thousand, as contemplated by the War Department. It was this number which the government intended for the invasion of Canada. It was much easier to find men than equipments and supplies; and then some little time was required to accustom them to discipline and put them in condition to warrant their commander to lead them against the veteran troops, supposed to be under Proctor.

With the coming in of the month of September, however, General Harrison considered himself ready to act on the offensive, and it would be invidious not to add, that his entire command was anxious to be on the move, and to see the enemy. Commodore Perry moved from Erie, and stood towards the head of the lake, with a well manned fleet. He found the British fleet under Commodore Barclay, a veteran officer, on the tenth of the month, and ere the sun, on that ever to be remembered day, went down in the west, he despatched to General Harrison the important

intelligence, immortalized on the pages of American history, "We have met the enemy, and they are ours."

This anxiously looked for success opened a passage to the Territory, which had been so basely surrendered by Hull, and General Harrison lost no time in transferring the war thither. He had already, a few days previous, broke up his camp at Senecatown, and most of his forces had reached Sandusky. On the twentieth of September, his army, consisting of two thousand regulars and three thousand militia, embarked upon Lake Erie, from the mouth of the Sandusky river. It reached the Canada shore on the twenty-seventh, and the superintendence of the debarkation was committed to General Cass. He formed the troops into lines, and arranged their march. The troops were landed near Malden. No enemy was in sight, and as they marched towards the town, instead of meeting an armed force to arrest their progress, to their surprise the maids and matrons, in their best attire, had come forth to solicit their protection. The general order to the soldiers was, "Kentuckians, remember the river Raisin ! but, remember it only when the victory is suspended. The revenge of a soldier can not be gratified upon a fallen enemy." The American force took possession of the town without harm to its inhabitants.

General Proctor, in command of the British army, despite the spirited remonstrance of Tecumseh, an abler man than himself, and a general in the British army, had burned the fort, barracks, and public store-houses, evacuated Malden, and retreated up the Detroit river. The Americans, on the twenty-ninth, went in pursuit, and moving up to Sandwich, General Harrison crossed over the river, entered Detroit, and took possession of the town and territory. Warmly welcomed by the citizens, he issued his proclamation reinstating the civil government which had been intercepted by Hull's surrender. The officers who had been supplanted by the capitulation, now resumed their functions ; the citizens were restored to their former rights and privileges, and the laws at that time were again put in force. And thus, after the lapse of little more than a year, did General Cass have the pleasure of again seeing the standard of his country waving over the disgraced fortress.

A council of war was held at Sandwich. Proctor had retreated by the way of Lake St. Clair, and his pursuit was the question

brought before the council. The American army now had possession of Detroit, and commanded the river. No member of the council doubted the propriety of following, and endeavoring to destroy the retreating army. But, unfortunately, they could not put the forces promptly in movement, and it was reduced to a question of time. The means of transportation were so limited that their supplies were on the lowest scale, and they found themselves in an exhausted country, incapable of administering to their wants. They had landed upon the Canadian shore without a horse or a tent, and with a very slender stock of provisions. What was more embarrassing, the baggage and even blankets of the brigade commanded by General Cass, were necessarily, for want of transports, left on a little island in Lake Erie, called the Middle Sister, and officers and men, without distinction, found themselves in the beginning of October, at the commencement of active operations in Upper Canada, without any other protection from the weather, during the night or day, than the clothes upon their backs. Under these circumstances, they were unwillingly compelled to await the arrival of supplies, as well as horses, and the mounted regiment commanded by Colonel Johnson, which had necessarily taken the route by land around the head of Lake Erie.

This delay gave the British General the fairest opportunity to escape, and if he had not been utterly incompetent to his task, he would have placed himself beyond the reach of the American army. He was several days in advance, and was marching through a friendly country. But instead of divesting himself of his superfluous baggage, and leaving his invalids and non-combatants to our mercy, and thus gaining, by a rapid march, the head of Lake Ontario, where he would have been in safety, he moved slowly, encumbered with an immense train of baggage, public and private, and with a large number of women and children. While awaiting at Sandwich the arrival of supplies, the probability of overtaking the retiring enemy was frequently the subject of conversation ; and General Cass never heard General Harrison express an opinion or fear that Proctor would escape. But if he did so to others, this circumstance would explain the otherwise inexplicable assertion, since often repeated, that he was opposed to the movement he adopted. General Cass never hesitated respecting the immediate pursuit, but was not at all sanguine

as to its result. He believed the British General was sufficiently master of his art to elude an attack, and that with five days' advance, and after destroying and abandoning the only two fortified positions he held in the country, he would not suffer himself to be overtaken within seventy miles of his point of departure, and stake his existence upon the chance of a battle. This was the apprehension of others.

On the thirtieth of September, Colonel Richard M. Johnson arrived with his mounted regiment of Kentuckians, and with this reinforcement, General Harrison commenced the pursuit of Proctor, leaving a portion of General Cass' brigade, who had not yet received their baggage and blankets, at Sandwich.

General Proctor had retreated by the river Thames, which falls into Lake St. Clair above Detroit, and along which was the principal communication with the head of Lake Ontario, which the British sought to gain. The Americans followed them, pursuing the usual route on the left bank of the river, to a considerable distance from its mouth, when, reaching a deep ford, the horsemen crossed upon their horses, and the infantry in canoes, and continued their pursuit on the opposite bank. The cultivated country here ceased, and they entered a beech forest, having the river upon their right, and a swamp upon their left, and in the intermediate distance a road, such as is found in new settlements, and which was little more than a path, with some of the larger trees cut down. In a short time they found themselves in the presence of the British army.

When the advanced party which preceded the main army fell back, and reported that they had seen the enemy drawn up across the line of march, General Harrison pushed forward to reconnoiter their position and the nature of the ground, in order to adapt his dispositions to these circumstances. He had often inculcated upon his officers as a cardinal principle in Indian warfare, that the flanks should be so secured as to prevent their being turned by an enemy, who become so terrible, especially to raw troops, when they can assail their rear. With this caution in view, the proper arrangement of his force was soon indicated to the commanding general by a rapid survey of the ground.

At the battle of the Thames, a small portion only of General Cass' command was present, and this was stationed at the right of the American line, with orders to charge and capture the

British artillery, which was opposed to its position. The colonel of the regiment, Paul, an able officer, being present, General Cass left to him the immediate direction of this detachment, and, in company with Commodore Perry, performed the functions of aid-de-camp, assisting in the arrangement of the troops and the measures preparatory to the attack. He was without a definite command, and ready to act as the exigency of the moment might demand. The disposition, adopted by General Proctor, was as simple as it could have been in the earliest ages of the art of war. His regular troops were drawn up in two lines in open order, their left resting upon the river, and their right extending towards the swamp. From this point, the Indians were in position, stretching into the woods in their irregular manner, ready to seize any circumstances which might occur, favorable to their mode of warfare. Near the road, the left of the line was strengthened by three pieces of artillery.

The disposition adopted by General Harrison was instantly determined upon. He placed his right upon the river, and, extending his line to the swamp, he there formed it, as it is technically called, *en potence*; that is, he turned it at right angles, and thus presented two fronts to the enemy. The field of battle offered no peculiar advantage to the British, and it is difficult to account for the selection of that particular spot. There is but little change in the character of the country for some miles, and its features are distinctly marked. It is possible, that this is the point where the swamp and the river approach each other the nearest, leaving the narrowest space of firm ground to be defended. But why the British General stopped at all, is a problem still more difficult to be solved; and if it were not, as report said at the time, that he was compelled to take this step by the menaces of Tecumseh, his conduct may be cited as an example of military infatuation rarely to be found in the annals of war.

With reference to this battle and the scenes through which he passed, General Cass states: "Our troops were all new, sent from their homes by that ardent patriotism which, in seasons of trial, makes part of our national character, and much time was necessary to place them in their proper positions. While this operation was in progress, Major Wood, an officer of the greatest merit and promise, too early lost to his country, had advanced near the enemy's lines, and ascertained their exact position. He

came up to me and told me what he had done, and invited me to accompany him in another reconnoissance. I immediately dismounted from my horse and followed him. The ground was covered with beech woods, and every western man knows that the under-brush is never very thick where this timber abounds. While, therefore, we were enabled, in some measure, to secure ourselves, by going from tree to tree, we were also enabled to extend our observations to a considerable distance. In this manner, we passed along the front of the British line, almost from its extreme left to its right—the point of junction with the Indians—and ascertained its position, and saw that it was unprotected by a single field-work, not even a tree having been felled to impede the advance of our troops. Major Wood proceeded to report the result to General Harrison, while I returned and resumed the duty I was engaged in, of aiding in the formation of our line of battle. I do not recollect that I ever conversed with General Harrison upon this branch of the subject, but I have always supposed that the precise information, communicated to him by Major Wood, induced the change which he made in the attack. Until he knew the loose order of the British formation, and the strange neglect of their General to make use of the efficient means within his reach of impeding our approach, and, particularly, the advance of our mounted force, he had intended to attack the British troops by his line of infantry, and to throw his horsemen further into the woods, with orders to turn the flank of the Indians. This, however, is but my impression. What I know I will briefly state. Shortly before the commencement of the action, General Harrison rode up to me and remarked that he thought of changing his disposition for the attack, and of ordering the mounted regiment of Colonel Johnson to advance upon the British line, and to endeavor to pass through it. I observed that the maneuver, if successful, would be decisive, but that there were objections to it, which had, no doubt, occurred to him, and which would render the effort a hazardous one. We briefly discussed these, and he terminated by remarking: ‘Colonel Johnson thinks he can succeed, and I believe he will; I shall direct him to make the attack.’

“Having communicated his final orders, General Harrison placed himself in front of the line of infantry, and immediately in the rear of the mounted regiment. It was his proper position, where he could best observe and direct the projected operations.

Colonel Richard M. Johnson, with what gallantry it needs not that I should say, led the left division of his regiment, which was opposed partly, I believe, to the regular troops and partly to the Indians, and which was out of the sphere of my personal observation. His brother, Colonel James Johnson, led the right, which was destined exclusively to attack the British line, and all his operations passed directly before and around me, for I accompanied, as a spectator, his command in their charge.

“Such was the relative position of the hostile forces when the signal for attack was given. The mounted regiment, placed between our line of infantry and the enemy, put itself in motion, breaking into columns of companies, and thus advancing upon the British regular troops. When they had approached sufficiently near, they received a fire, which occasioned a hesitation and some confusion in their ranks, but, soon recovering, they precipitated their movements, and, encountering a second and a third discharge with great gallantry, they found themselves upon the enemy. But then the contest was over. We passed through the British line, the soldiers, throwing down their guns and separating into small groups, thought only of a prompt surrender. In the meantime, the line of infantry was advancing, but it had little more to do than to secure the prisoners, except, indeed, towards the swamp, where the resistance of the Indians was much more vigorous, and where the contest was much longer maintained.

“During the rapidity and excitement of the movement, I lost sight of the commanding general; but he passed through the British line and, I believe, between the direction which I took and the edge of the swamp, for I encountered him immediately after, riding over the field and giving the necessary orders. He directed me to take a party of mounted men and pursue the fugitives, and, particularly, to endeavor to overtake the British General, who was said to have commenced his flight at the commencement of the action. The fact is scarcely credible, but it was asserted by the British officers. I was upon the point of obeying General Harrison's orders, when the fire augmented upon our left, indicating that the Indians were making a formidable resistance. The General then directed me to wait a few minutes to ascertain the result of the action, and immediately rode towards the point of contest, to take such measures as might be necessary. After a short time, the firing diminished, and gradually died away, till

nothing was heard but chance shots. I then set out with a small detachment in pursuit of the fugitives, and passed through the Moravian towns, continuing my route till dark, when we were compelled to return, not having succeeded in our principal object, and having picked up only a few soldiers, who had escaped from the field of battle."

Such was the battle and victory, fought and obtained on the banks of the Thames river, on the fifth day of October, 1813. It was glorious to the American arms. It accomplished the great object of the campaign. It dispersed the British army. It drove the flying British General from that part of the country, and with such hot haste, that he left his baggage and private papers behind him, exposing the plans of the enemy. Tecumseh—the most subtle and active of all the northern Indians in the warfare—was killed, and his followers were dismayed with fear. They were ready to give in their adhesion to the cause of the Americans, and with them take hold of the tomahawk. The American loss was comparatively trifling.

It inspired the awe-struck inhabitants of the north-west with courage and hope. It removed from their cabins and cottages, the torch and scalping-knife of the hostile savages, and enabled them to lie down at night with an immeasurably increased sense of security, that they should see the light of the coming day, unmolested by the terrible war-whoop. In fine, the people flattered themselves that the war would soon be brought to a termination.

Although General Cass was not the commanding officer, he rendered valuable aid both in council and action. He was as brave a man as ever went into battle. No one, who served with him, could mistake this point in his character. His coolness and self-possession never forsook him for a moment. In the pursuit of Proctor, before the battle, the American army reached one of the deep tributary streams of the Thames, and found that the bridge had been destroyed by the enemy to impede their march, and a large body of Indians was stationed in the surrounding woods to prevent the army from repairing it. The work was commenced and finished in the presence of General Cass, who sat calmly upon his horse, overlooking the operations, and prominently exposed to the bullets of the Indians. Appreciating the value of his life, one of the subordinate staff entreated him to retire. But he did not

listen to the request. The army was new, most of the officers and soldiers had been suddenly collected from various parts of the country, and he considered the example of more importance than any risk he may have felt he was encountering.

General Harrison, in his official report to the Secretary of War, spoke of General Cass as an officer of the highest merit, cheering and animating every breast. He put him in the same class of merit with Perry; and none, surely, could ever be higher. And an eye-witness, writing some years afterwards, says, "I well recollect General Cass, of the north-western army. He was conspicuous at the landing of the troops on the Canada shore, below Malden, on the 27th of September, and conspicuous at the battle of the Thames, as the volunteer aid of the commanding general. I saw him in the midst of the battle, in the deep woods, upon the banks of the Thames, during the roar and clangor of fire-arms and savage yells of the enemy. Then I was a green youth of seventeen, and a volunteer from Kentucky."

General Cass, although but then just entering upon the thirty-second year of his life, and bred to the peaceful profession of the law—having, as we have seen, devoted most of his time before the war to books and the cultivation of his mind—evinced all the courage and steadiness of a veteran. His sterling patriotism, strong intellect, and extended popularity as a civilian, contributed to give him prominence at the commencement of hostilities, and he had the integrity and good sense not to abuse the confidence of his companions, or prove recreant in his duty to the government.

CHAPTER VI.

General Cass in Command of North-western Frontier—Detroit his Head-quarters—Letter from Governor Meigs—Surprise of General Cass—Appointed Governor of Territory of Michigan—Acceptance—Resigns the Office of Marshal—Summoned to Albany as a Witness on Hull's Trial—His Journey—Cuts open the Mail Bags—Reports the Burning of Buffalo from Cold Spring—Incident at the Genesee River, near Rochester—Arrival at Albany—His Testimony—The Charges—Sentence of Court-martial—President's Action—An Examination of the Trial, its Proceedings, and Hull's Defense—His imbecility.

The signal success of the American arms, so gloriously achieved on the Thames, restored to the United States all the posts which had been surrendered by General Hull. Six hundred British surrendered as prisoners of war. The slaughter among the Indians was great. A number of field-pieces, and several thousand stand of small arms were among the trophies, and all the standards except one, acquired by the enemy during the previous campaign, were recaptured.

General Harrison having now accomplished the object of the expedition, and being without orders from the War Department for his subsequent operations, left General Cass, with a part of his troops, in command of the north-western frontier, including the subjugated western district of Upper Canada, and proceeded down Lake Erie, to operate against the enemy on the Niagara frontier. General Cass fixed his head-quarters at Detroit. Here he remained employed in the arduous and responsible duties of such an extensive command, in a country surrounded by Indians and destitute of resources, with the whole hostile population of that portion of the British province to hold in submission. The destitution of the country was such that pen can hardly describe it, but it may, in some measure, be comprehended by the fact that even some of the troops were compelled, at one time, to resort to the precarious resource of fishing, as a means of subsistence.

While thus employed, one day in the month of October, 1813, sitting in his office opening and reading his mail, which had just arrived, and which came at such long intervals that its arrival was regarded as an important event, General Cass opened a letter from Governor Meigs, then in Washington, congratulating him

upon his new appointment, without mentioning what it was. He completed the reading of his mail without being further enlightened upon this point. Naturally anxious to know to what honorable position his government had assigned him, he awaited further information with a considerable degree of solicitude. But the post was so irregular in those times, that some two long weeks elapsed before its next arrival. When it came, as it finally did, however, it contained the unsolicited appointment of Governor of the Territory of Michigan. Gratified with this high mark of confidence in his capacity and integrity, and especially with the manner in which it was conferred by the government, General Cass accepted it. But he did so with much reluctance. He had settled, as he supposed, permanently in Ohio, a rapidly growing state, standing in the front rank of his profession, at variance with no person in private intercourse, and his family contented with their happy home. He had left it to give his country the benefit of his services in the hour of need, expecting at the end of the war to return to the pursuits of peace in the valley of the Muskingum. The idea that he should be killed, at no time occurred to his mind, and as to being taken and held as a prisoner or hostage, that thought was wholly inadmissible. He was averse, therefore, to remaining at Detroit, and making that his family abode. Nor did he decide to do so for some time afterwards. His soldierly frankness, his bravery and promptitude in the dark hour of emergency, and his courtesy and pleasing manners, had won the attachment and respect of all who became acquainted with him. And surrounded, as the people of the Territory were, by merciless savages, whose undeviating friendship could not be relied upon, however fair the promise, located on a distant frontier, and in constant fear of an attack from the inhuman marauders, they felt that General Cass, of all others, was just the man to be at the helm of state, and direct its course. Laying aside his own personal predilections, and over-ruling the wishes of his family, he yielded to the persuasions of his friends in Michigan, and entered upon his new duties. The civil organization of the Territory, and its military defense, devolved upon him.

These multiplied duties he continued to exercise until ordered by the government, in December, to repair to Albany, in the State of New York, to attend, as a witness, the trial of General Hull, before a court-martial.

In the meantime, now no longer intending to make Ohio his residence, he resigned the office of marshal of that State, which had been bestowed on him in 1807, by President Jefferson.

In the course of a few days, General Cass, in company with others ordered on the same duty, started from Detroit to proceed to Albany. The journey was long and tedious, and performed on horseback, each person carrying his own provisions, until they reached Cleveland. At Brownstown, they met the post, and General Cass, for the first and only time in his life, cut the mail bags and examined the contents, so far as to learn whether there were any despatches for himself. The road, from that point to the river Raisin, a mere Indian path, was, for one third of the distance, a continuous swamp. Slightly frozen, horse and rider would frequently become mired, and both wet and chilled with the water and wintry cold of that northern latitude. On the third day, at evening, they were so fortunate as to reach Fort Meigs, and the condition of the country through which they were traveling was such that, on proceeding forward from thence, they would only make ten or a dozen miles distance between sun and sun, for several days. Sometimes, at night, they could not find a spot of dry ground large enough to accommodate their encampment. Each would be compelled to seek out a place for himself; and General Cass having become pretty well accustomed to the hap-hazard life of the frontier, and its exhaustless expedients to hold body and soul together, under such circumstances, would spread his saddle blanket at the root of some tree, where the prospect was the most promising, and take up his lodgings for the night. As to kindling a fire, that, on several occasions, was impossible. The only comfortable night's rest they had before they reached Cleveland, was under the roof of an humble log dwelling, at Sandusky Bay. At Cleveland, the party were so fortunate as to procure a sleigh and driver, and hastened on with more rapid pace and accommodations to Erie, far-famed as the port from whence Perry embarked his gallant fleet to meet Barclay. Proceeding on their journey along the southern coast of Lake Erie, they arrived in Buffalo, and found it in ruins, the next day after the British incendiaries had applied the torch to the wooden buildings which composed the village. Only one tenement had been spared by the vindictive and relentless foe. General Cass and his party halted at Cold Spring, some three miles easterly from the conflagration,

and there found many of the citizens of Buffalo, with their families, suddenly driven from their homes in the dead of winter, and destitute, in many instances, of provisions and ordinary wearing apparel. By special request, he cheerfully communicated to the Secretary of War the condition of the town and vicinity. It was a scene of destruction and distress, he said, such as he never before witnessed. After passing a day amid this scene of distress and desolation, General Cass resumed his journey. He traveled by the way of Batavia and Canandaigua. Years afterwards, he crossed the Genesee river at Rochester, the bridge constructed over this stream of water at Carthage having fallen a few days before. What was more remarkable and equally fortunate to its builder, was that he warranted the bridge to stand for one year, as it was said, and that year had expired a day or two before it fell. Passing on, the party proceeded over Seneca lake and Onondaga hill to Utica, and thence to Albany, which place they reached soon after the commencement of the court-martial. General Cass was examined as a witness.

The court convened January 3d, 1814, with a full board, and General Dearborn was the president. No objection was taken to the constitution of this court, by the accused. All were officers in the regular service, attached to their country, and, to this day, no evidence has appeared, neither has it been intimated publicly, in any quarter, that any of them, save the presiding officer, could have had any motive to judge General Hull harshly, or be betrayed into passion from their relations with the war. It has been alleged that some of them were violent partizans of the national administration, and that this constituted their only qualification to sit as members; and, at the same time, it has been admitted that others of the members, particularly General Bloomfield, of revolutionary memory, and Colonel Fenwick and Colonel House, were competent members, both on the score of competency and impartiality. But, whether any of the judges entertained political views in harmony with those of Jefferson and Madison, and felt it to be the duty of every citizen of the republic, whether in or out of commission, to do his duty and whole duty to the country, at that critical period of its existence, it does not appear from the public records; nor has it been intimated publicly, in any quarter, that the court divided on any subject that came before it. On the contrary, it is a well conceded fact, insomuch that it is

now a part of the history of the time, that a cordial unanimity of sentiment existed.

The session of the court was protracted, and every facility afforded to the accused to present his defense. The judge advocate, Mr. Van Buren, laying aside all partizanship or prejudice, and conducting the examination of the witnesses with the single purpose of eliciting the truth, took no objections that had the most remote appearance of captiousness, but, possessing himself of his wonted coolness and patience, equally with the court, acceded to all the reasonable requests of the accused.

The charges were three in number—treason, cowardice, and neglect of duty. The first, a crime of the highest moral turpitude known to the laws of man ; the second, the basest ; and the third, deeply involving military character, but the degree of turpitude to be measured accordingly, as it may have emanated either from carelessness, accident, or design.

The specifications, under the charge of treason, were :

First.—Hiring the vessel to transport his sick men and baggage from the Miami to Detroit.

Second.—Not attacking the enemy's fort at Malden, and retreating to Detroit.

Third.—Not strengthening the fort of Detroit, and surrendering.

The specifications, under the charge of cowardice, were :

First.—Not attacking Malden, and retreating to Detroit.

Second.—Appearances of alarm during the cannonade.

Third.—Appearances of alarm on the day of the surrender.

Fourth.—Surrendering Detroit.

The specifications, under the charge of neglect of duty, were much the same as the others.

The court acquitted the accused of the high crime of treason, because it was perfectly apparent, undoubtedly, to the court :

First.—That General Hull hired the vessel to transport his sick and baggage from Miami to Detroit, before he was aware that war was declared, and it was the dictate of humanity to relieve the inmates of his hospital from the fatigue and inclemency of a further march through the bogs and swamps of a trackless wilderness.

Second.—That, by not attacking the fort at Malden, and retreating to Detroit, it did not follow, as an inevitable sequence, that the accused then intended to betray his government into the hands of the enemy.

Third.—That not strengthening the fort at Detroit, and finally surrendering, did not appear, from the testimony, to have proceeded from any previous settled design, but was to be attributed to other causes.

As to the other charges, the court, upon mature deliberation, arrived at different conclusions, found the accused guilty, and sentenced him to be shot, but, by reason of his services in the War of the Revolution, and his advanced age, earnestly recommended him to the mercy of the President.

The President, entertaining not the slightest feeling of hostility or unkindness towards General Hull, approved of the finding of the court, but, remitting the execution of the sentence, dismissed him from the service. If he had been guilty of treason, and so declared by the court, his revolutionary services, even, could not have availed to shield him from the execution of the sentence, for Washington, in the case of General Arnold, in the previous war, overlooking his valuable patriotic services, in raising armies and leading them to duty, amid the roar and carnage of battle, had established a far different precedent for his successors to follow.

The testimony before the court forces the irresistible conclusion upon the mind of the reader, that its finding resulted from a sense of duty to their country. It is uncharitable to suppose that the members were mere automatons, set up in Albany, to be moved by a secret cord in the hands of some master spirit at Washington or elsewhere. The current history of that day precludes the supposition that the administration was tottering on the brink of disgrace and ruin, and destined to fall into the bottomless abyss unless it was so fortunate as to find a scapegoat for its unpardonable iniquities. The disasters of 1812 had been triumphantly and gloriously repaired by the victories, brilliant and decisive, of 1813. If the shoulders of the administration had been compelled to sustain alone the public indignation of the former, without sharing it with Congress, and staggered beneath the crushing weight, most certainly, before this court convened, the clouds had cleared away from the horizon, and the plaudits of approbation now sounded in spirit-stirring peals from Maine to Georgia, and were echoed back from the remotest verge of civilization beyond the Alleghanies. There was no occasion, therefore, for Mr. Madison to feel particularly uneasy, or to consider the necessities of state so urgent as to require the sacrifice of any officer, either civil or military, on the

score of political expediency, or for the gratification of animosity. General Cass was one of the witnesses, as has already been premised, and his testimony, in conjunction with that of other witnesses, was important, or he would not have been summoned, at so long a distance from Albany, to attend the sitting of the court. To the judge advocate was committed his examination, and he answered all the interrogatories propounded, both by the government and the accused. No exceptions were taken at the time to the form of either question or answer. His opinions, on some points, were also asked and frankly given; and if these opinions, coming from so distinguished a source, (for the fame of his high position in the western country had preceded him,) had undue or controlling influence, it is difficult to perceive why he is worthy of censure for that. His duty was to tell the truth, and this duty he fearlessly discharged. The report, under date of September 10th, 1812, to the Secretary of War, which he had the honor to make, and already given in these pages at length, with the reasons why it was made, was read to the court. This was highly proper, because it was a part of the public archives of the government, and, although assailed in almost every conceivable form, it had stood the test of the most malignant and uncalled for scrutiny, and still remained in the public estimation as the faithful record of the events to which it alluded. That part of it which referred to the quantity of provisions on hand at the time of the surrender of the fort of Detroit, was the most offensive to General Hull and the enemies of the war. For, if it was true, or had any approach to the truth, it seemed to be a self-evident proposition, that the duty of the accused lay only in one direction, and that was to fight, and endeavor to hold out until the three hundred and fifty men, under Colonels Cass and McArthur, were heard from. And, in this connection, it may be asked with propriety, why the duty of the commanding officer was not the same, even if the last ration had been issued, when the enemy opened the bombardment, on the evening of the fifteenth of August? Had famine already commenced in the garrison, and were the citizens of Detroit destitute of provisions? Fool-hardy would be the person who should persist in giving these practical questions an affirmative answer. It has never been pretended, by any one who then resided at Detroit, or had any information on the subject, but that there were provisions enough on hand, in that town, to

sustain every soul in it, including the soldiers, for a month, at least. And the amount of supplies at the river Raisin, or on the way thither to Detroit, was well known to all. But, as if to compromise the candor of General Cass, two letters, written by him on the subject of supplies, are canvassed; one to Governor Meigs, under date of August twelfth, four days before the surrender, in which he says: "The letter of the Secretary of War to you, a copy of which I have seen, authorizes you to preserve and keep open the communication from the State of Ohio to Detroit. It is all important that it should be kept open. Our very existence depends upon it. Our supplies must come from our State; this country does not furnish them. In this existing state, nothing but a large force, of two thousand men, at least, will effect the object;" and another letter of the same date, to his brother-in-law, Willis Silliman, saying: "Our situation is become critical. If things get worse, you will have a letter from me, giving a particular statement of this business. Bad as you may think of our situation, *it is still worse than you believe*. I can not descend into particulars, lest this should fall into the hands of the enemy."

These letters were brought forward to raise the presumption that General Cass was uncandid in reporting to the government, after the surrender, that there were fifteen days' provisions on hand at the time of the surrender, and that he believed Michigan, in case of an extreme emergency, might furnish three months' provisions. And for whom, or by whom, does the reader suppose General Cass intended the provisions to be supplied and used? The army *then* in garrison at Detroit; and not, in addition, the voyageurs from the north, and the two thousand increased force from Ohio. The letters were written under the eye and direction of General Hull. He wished to retreat to the Miami. His three militia Colonels, Cass, McArthur, and Findlay, would not consent, and determined that they would take the responsibility of depriving him of his command, if he attempted to do so, regardless of the personal consequences to themselves. Lieutenant Colonel Miller coincided. General Hull reluctantly and despondingly yielded to their views. The words in Cass' letter to his brother-in-law, above italicized, had reference to the imbecility and vacillation of his commanding officer, and were so guardedly written, and for the same reason, as the blank letter sent about the same time to Governor Meigs, and referred to in his report to the Secretary of War.

General Hull called upon the Governors of Ohio and Kentucky for reinforcements. How well and promptly the call was answered, appears from the fact, that in the course of a month, Kentucky had on foot seven thousand volunteers, and Ohio nearly half that number, and were on their march for Detroit when the news of the surrender first reached them. This call for reinforcement was made with the advice and approbation of General Cass, and as General Hull had yielded to the proposition to remain at Detroit until the reinforcements arrived, and defend himself if attacked by the enemy, General Cass felt a still greater degree of solicitude that supplies for this augmented force should be abundantly furnished. And that it was expected that Ohio and Kentucky should, in a great measure, furnish these supplies, was known to all. His report and testimony had reference to what supplies were actually on hand at the time of the surrender, and how long the garrison was provisioned, especially if the convoy under Captain Brush should reach its destination in safety. The question was not where these provisions originally came from, or where the cattle were raised and the flour was made.

General Cass stated in his examination before the court, that "the situation of the army in respect to provisions, was a subject of frequent conversation between General Hull and the officers—that he never knew or understood that the army was in want, or likely to want." And no other officer has stated differently. If the subject of provisions was not frequently talked about, and if the army was in want or likely to be, it is natural to suppose that some one belonging to the garrison could have been found to corroborate the assertion. The officers and soldiers on duty thought more of meeting the enemy, and driving him from the country, than they did of hunger. So long as game or nuts were found in the woods—and they had not far to go to find them—they felt no alarm in that respect. If the country could subsist the enemy, they had no concern but what it would also subsist them. Besides, they believed if they could once get a fair chance at the British, they would not remain in that region to divide these supplies.

General Hull, in his defense, complained of the dilatoriness of General Dearborn. But it appeared that Dearborn did not receive his instructions until the twenty-sixth day of June, at Washington, and that his first business was to make the necessary arrangements for the defense of the seaboard. By the eighth day of

August, he had taken effective steps towards maintaining an army on the northern frontier, and was then at Greenbush, opposite Albany. He received from Sir George Provost a letter, enclosing, for information, the tenor of the despatches by him received from England, referring to a declaration of Ministers in Parliament, relative to a proposed repeal of "the orders in council," provided that the United States would return to relations of amity, and proposing to General Dearborn an armistice, as a preliminary to negotiations for peace. On the eighth day of August, he signed the armistice, with liberty to General Hull to accede to it, and immediately apprised General Van Rensselaer at Lewiston, who received it on the seventeenth, and this officer communicated the intelligence to Lieutenant Colonel Myers, at Fort George, and which was the first intimation that the enemy on that frontier had of it. This was the next day *after* the surrender of Detroit; so that General Brock, on the *sixteenth* of August, was as much in ignorance of this important event as General Hull. Indeed, General Brock has stated in writing, under date of the twenty-fifth day of August, that he did not hear that a cessation of hostilities had been agreed upon, until his return from Detroit to Fort Erie. It is quite apparent that the armistice concluded by General Dearborn with Sir George Provost, could not have been injurious to General Hull.

As to the absence of General Dearborn from the Niagara frontier, it would seem that he was pushing his arrangements as rapidly as the means at command would admit of, and entertained the belief that General Hull was fully aware it was expected by the War Department, that he would act offensively. However this may be, it is not easy to perceive in this complaint, any apology for the surrender.

In recurring to the testimony introduced before the court-martial, some of the witnesses observed that General Hull appeared agitated on the morning of the sixteenth, whilst others observed that they thought he appeared cool and collected. But Robert Wallace, an aid-de-camp of General Hull, in a letter published in the Licking Valley Register, at Covington, Kentucky, May 28th, 1842, says, "Until the morning of the fatal 16th of August, I saw no flinching in the countenance of General Hull. I had been with him both in and out of the fort; his only apparent concern was to save our ammunition, for our long twenty-four pounders

were consuming it very fast, and I was sent repeatedly to the batteries with orders to fire with more deliberation.

“About nine o’clock in the morning, Captain Hull found some straggling soldiers in the town. He ordered them immediately to their post, and seeing them disposed to hesitate, he pursued them on horseback, sword in hand, to their regiment. Their colonel having given them leave of absence, was exasperated, and made his way to the General, demanding the arrest of his son. The captain soon made his appearance, and challenged the colonel to fight him on the spot. This circumstance produced the first agitation that I discovered in General Hull. He begged me to take care of his imprudent son, and he was confined to a room in the officers’ quarters.

“Soon after, a more serious disaster occurred, which increased the General’s agitation. A number of ladies and children, the families of officers on duty, occupied a room in the fort. General Hull’s daughter and children were among them. A ball entered the house, killing two officers who had gone in to encourage their families. The ladies and children, many of them senseless, were hurried across the parade to a bomb-proof vault, which had been cleared out for them. The General saw this affair at a distance, but knew not whom or how many were destroyed, for several of the ladies were bespattered with blood. Other incidents followed. Several men were cut down in the fort, and two other officers received a ball through the gate. At this time the general was walking back and forth on the parade, evidently in a very anxious state of mind. Several propositions were made to him, all of which, I believe, he rejected. For instance, Brigade Major Jesup proposed to cross the river, and spike the enemy’s guns. I think he replied, it was a desperate experiment, and that as the enemy was advancing, he could not spare the men from their posts. Captain Snelling proposed to haul down one of our heavy guns, to annoy the enemy, then three miles below the fort. He replied that the slender bridge below the town would not support its weight, and the gun would surely fall into their hands, and be turned against us; that the men were posted to the best advantage, and he did not wish to move them. The gun alluded to weighed, with its carriage, about seven thousand pounds.

“General Hull was then at least sixty-five years of age, (fifty-nine?) and no doubt felt incapable of the bold exertion that his

situation required. He appeared absorbed in anxious thought, and disposed to avoid all conversation. My duty required me to remain near the General, but seeing that he appeared to have no commands for me, I stepped across the parade to assist in the amputation of an officer's limb. Whilst occupied in this unpleasant task, Captain Burton, of the 4th regiment, passed me with a table-cloth suspended to a pike. I inquired what that was for. He hastily replied, 'It is the General's order,' and mounting one of the bastions, began to wave it in the air. I ran immediately to the General, and inquired the meaning of the white flag. 'I ordered it, sir,' was the reply, and facing about, he continued his walk. The firing soon ceased, and mounting the breast-work, I saw two British officers with an American officer, all on horseback, approaching the gate. Thinking their entrance improper, I informed the General, and he directed me to keep them out of the fort. I met and conducted them to the General's marquee, which was still in the open camp. General Hull, with Colonel Miller, of the U. S. Army, and Colonel Brush, of the Michigan militia, made their appearance. The articles of stipulation were then drawn up and signed by Miller and Brush on our part, and by the two British officers on theirs. It was reported to General Brock, who shortly entered the fort, escorted by his advanced guard. Brock was shown into a room in the officers' quarters, where Hull was waiting, and after settling some details, the capitulation was ratified by their signatures. While these matters were progressing, Captain Hull, awaking from a sound sleep, discovered the British grenadiers in the fort. Breaking through a window, he ran, unarmed and without a hat, to the commanding officer, and demanded his business there 'with his red-coat rascals.' The officer raised his sword to cut him down, but I reached them in time to stay the blow, by informing the officer that the gentleman was partially *deranged*. He instantly dropped his arm, and thanked me for the timely interference. This same Captain Hull afterwards fought a duel in defense of his father's reputation, and was at last killed at the head of his company, in a gallant charge at the battle of 'Lundy's Lane.' I mention these particulars in connection with a remark since made to me by Commodore Hull, 'that he knew his uncle was neither traitor nor coward, for there was no such blood in the family.' General Hull, discovering that the British had been permitted to enter the fort before the surrender

was completed, remonstrated with General Brock, who apologized for the indecorum, and ordered his troops to retire. Our troops were then marched out, in gloomy silence, and stacked their arms on the esplanade. When the British flag was raised, the Indians rushed in from the woods, a countless number, yelling, firing, seizing our horses, and scampering through the town like so many fiends. In addition to Tecumseh's band, and the Wyandots, they had gathered in from all the regions of the northern lakes. The British regulars and Canadians were about three thousand men; but the number of Indians could not have been known by General Brock himself. Our effective force was probably fifteen hundred—about four hundred regulars, and the remainder volunteers and drafted militia. Most of them would have fought with desperation, for there was no possible chance of escape.

“We had every reason to suppose that the detachment under Cass and McArthur was at the river Raisin, but to our surprise and mortification, they had returned of their own accord, having heard the cannonade at the distance of forty miles. They were close in the rear of the enemy at the time of the surrender, but without any possible means of communicating their position to us. This detachment, and the company under Captain Brush, were included in the surrender, for their preservation, as they might have been surprised and cut off by the Indians, of which we had no way to apprise them. As it happened, two or three British subjects, who had gone out with us, unwilling to fall into the hands of their former masters, made a desperate escape through the woods, informed Captain Brush of our disaster, and his party made a rapid retreat to the settlements. Cass and McArthur were soon apprised of their condition, and marched to Detroit. Our meeting with them was truly distressing. Cheeks that never blanched in danger, were wet with tears of agony and disappointment. Yet I saw no ranting or raving, such as I have since heard described. I heard but one officer abuse the General indecorously, and he had been extremely quiet and useless throughout the campaign.

“A circumstance which has often been cited as a proof of treachery on the part of General Hull, took place on the river bank, just before the surrender. Lieutenant Anderson, of the U. S. Artillery, had drawn his guns from behind our lower battery, charged them with grape shot, and pointed them down the road on which

the enemy were approaching. When the first platoon of their column appeared, his men were eager to fire. Anderson forbid them, at the peril of their lives, to touch a gun without his orders, wishing to get the enemy in a fair raking position before they should discover their danger; but the officer at the head of the column perceiving the snare, gave notice to General Brock, who immediately changed the position of his troops, and advanced under cover of the thick orchards which stood between them and the fort. Anderson was said to have reserved his fire by the special order of General Hull, which I know to be false, for I had just delivered a different order, and was waiting by his side to see the effect of his intended explosion. When the white flag was raised, this same lieutenant broke his sword over one of the guns, and burst into tears.

“After the surrender, General Hull retired to his own house, where he had lived while Governor of Michigan. It was occupied by his son-in-law, Mr. Hickman, and his family. One of General Brock’s aids suggested to me the propriety of a British guard, to protect the General’s house from the Indians, to which I assented, without consulting General Hull, as they had already seized our baggage in the street. This British guard was considered another strong ground of suspicion, but General Hull supposed it was to prevent his escape.

“General Brock took up his quarters at a vacant house on the main street; Tecumseh occupied a part of the same building, to whom I had the honor of an introduction. He was a tall, straight, and noble looking Indian, dressed in a suit of tanned buckskin, with a morocco sword-belt round his waist. On being announced to him, he said through his interpreter, ‘Well, you are a prisoner, but it is the fortune of war, and you are in very good hands.’

“General Hull was a man of tender feelings and accomplished manners; his hair was white with age, his person rather corpulent, but his appearance was dignified and commanding.

“Hull might have defended the fort while his provisions held out, but whether the inhabitants of Detroit would not have been butchered, on the night of the sixteenth, is a question I can not answer. Perhaps the more immediate cause of the surrender was the absence of Cass and McArthur. He had the utmost confidence in Colonel McArthur as a brave executive officer, and in Colonel Cass as an intelligent and able adviser. Had they been present,

with their men, or had we even known their position, there would probably have been no surrender at that time.”

Now that all excitement, unfavorable to dispassionate judgment, has passed away, some of the early impressions, which attributed the conduct of General Hull to money, the price of treason, have been removed, and the unfortunate termination of his campaign is, by general consent, attributed to cowardice and to imbecility. He was utterly unequal to his command, and was oppressed by its duties and responsibilities, and, at the last moment, was the victim of personal fear. Feeble efforts have, at times, been made to rescue his name from obloquy, but they have been utter failures. A military court, composed of officers of high rank and character, after an impartial and laborious investigation, pronounced him guilty of cowardice, and sentenced him to be shot. Mr. Madison, in consideration of his age and revolutionary services, remitted the penalty of death, but struck his name ignominiously from the roll of the army, which he had dishonored.

It is enough to know that he surrendered his command to an attacking force of about one third his own strength. An American needs no other fact to guide him in his judgment of this catastrophe. General Hull, among other excuses, alledges the want of ammunition and provisions as motives for surrender. Not that he was destitute; that he did not alledge, and it is known that his supplies of both were adequate to his circumstances, but that he apprehended these essential supplies would fail before the final issue. But the less he had of either, the stronger was the reason why his course should have been prompt and energetic. The worst disaster that could happen to him, after the most severe loss, would have been an unconditional surrender.

General Hull was instructed by the War Department to protect Detroit. The invasion of Canada was left to his discretion. In effect, he did neither. He crossed the river only to make an inglorious retreat—disheartening to his troops, many of whom were volunteers, burning with patriotism. When followed by the enemy and summoned to surrender, he complied with the request. He held out just long enough to increase the pompous vanity of the summoner, and provoke the resentment of his command. He commenced the retreat from the bridge of the Canards, and terminated it on the esplanade of the American fortress. Strange infatuation! A captain, in the forlorn hope of Wayne, under the walls

of Stony Point, in his elevated position of brigadier general, capitulates, without the crossing of a single bayonet, or the firing of a single shot! But yesterday, as it were, in council with the government, at the capital of his country, and fully aware of its plans and objects, posts away to his army, only to lead it into the hands of the enemy! Conduct most unaccountable! Problem unsolvable! In memory of other prouder days and gallant deeds in the life of this white-haired veteran, let the veil of oblivion, in mercy, be drawn over his campaign of 1812, and ascribe all his errors, for the sake of himself and country, to the imbecility of age.

CHAPTER VII.

General Cass returns to Detroit—Situation of the Frontier—Resigns the Command of Brigadier General—Superintendent of Indian Affairs—His Policy—Appointed Commissioner to treat with the Indians—Holds a Treaty at Greenville—Surrounded by Five Thousand Indians—Their Threats—His Intrepidity—The Treaty—Sends Reinforcements to General Brown—The Inroads of Hostile Indians—He Disperses Them—His Pet Indians—Colonel James—Correspondence—General Cass' Rejection of British Interference in the Civil Affairs of Michigan—Treaty of Peace—Removal of his Family to Detroit—British Arrogance—Boarding of American Vessels—General Cass Remonstrates—Its Effect.

Having discharged the duty which called him to Albany, General Cass returned to Detroit. There were too many duties there to perform for him to be absent from his post any longer than absolute necessity required. Although the British garrisons were then broken up, and Tecumseh was in his grave, yet the reader must not imagine that "order reigned in Warsaw," or that the people of that Territory were now free from the calamities of war. The ill temper, and hostile propensities of the Indians to plunder, rob, and murder, were yet to be subdued. The upper country was not free. The British flag waved at Mackinaw, and the intermediate country was filled with fur traders, who believed their interests were antagonistic to the United States. American citizens, who had fled from their firesides and homes during the previous eighteen months, were now returning to behold the devastations of their property, without business, and with scanty means of support. All of the province of Canada which had been held in submission by the presence of the British soldiery, was now subject to the order of the Governor of Michigan, and to him was entrusted the enforcement of law and the protection of their rights in common with citizens on the west side of the river.

General Cass fully appreciated the responsibility of his position, and, with the wisdom of a statesman, set himself to work. How long hostilities would continue, or how they would end, or whether the Canadas, or any portion thereof, would become part and parcel of Michigan, were questions not easily answered. It was sufficiently obvious, however, to his active and cultivated mind, that the end of the war would find the Stars and Stripes waving over the peninsula of Michigan, at least, if not over all the lands

west to the Mississippi. But to accomplish this it was necessary to quell public fear and restore public confidence; to induce the citizens to feel that their houses were safe from the tomahawk and knife of the savage, their lives free of jeopardy from the assassin and the incendiary, and their business pursuits protected by the sleepless vigilance of the law. As in all his previous undertakings, so in this, he calmly surveyed the ground, and determined what the exigencies of the times required him to do.

Impressed with the conviction that such extensive military and civil powers should not be vested in the same person, General Cass now tendered to the President his resignation of the commission of brigadier general in the army. This was accepted, but the acceptance was accompanied with the express requirement, by the President, that he should take charge of the defense of the Territory, in his capacity as Governor.

The seat of the war, on the north-west frontier, was, about this period, transferred to the eastern part of Upper Canada, and the line of Niagara river, between the two lakes, Erie and Ontario, became the theater of operations. General Brown took the command, and the principal portion of the military forces at or near Detroit were ordered to march thither. Michigan was left with only one company of regular soldiers for her defense, consisting of twenty-seven men. With such an inadequate force, and the local militia, General Cass, the Governor, was left to defend the Territory against the hostile Indians, who were constantly hovering around Detroit.

While Detroit was in this defenseless condition, a war party of Indians issued from the forest which skirted the town, and marked their irruption by one of those deeds of blood which have made the history of that frontier a record of trials and sufferings without a parallel in the progress of society. As the strength of the war party was unknown, it is difficult to find words to describe the alarm which prevailed among the inhabitants. But General Cass was not to be dismayed by Indian whoops or the discharge of Indian rifles. His ears were familiar to such sounds. Although destitute of disciplined troops, enough of the inhabitants responded to his call, and, supplying the place of numbers and experience with their energy, he drove the foe from the settlement to his native haunts in the forest, after a short but sharp conflict. He well recollects the terror inspired by his return, as the scalp hallo

was raised by some of his friendly Indian hunters to indicate the success of the party, and broke the silence of the twilight with that terrific sound, which, once heard, is never forgotten, and which tells the tale of blood before the bleeding trophies and the victors present themselves. Whether this signal was from friend or foe, the helpless women and children, whose husbands and fathers had gone out to defend them, had no means of knowing; and many of them, in the terrible uncertainty, took to their canoes and fled for safety to the Canadian shore. Happily, the return of their friends removed all apprehension, and secured their safety. Such incidents are characteristic of frontier life, and when they shall have been hallowed by time and traditional associations, they will constitute the romance of Indian history.

As Governor of the Territory, General Cass was, ex-officio, Superintendent of Indian Affairs, and it became his prerogative and duty to advise with the government on this subject. He early had an impression that it was the policy of the government, as a means of pacification, to purchase the possessory rights of the Indians in those extensive tracts of land over which they were continually roaming; to limit their hunting grounds to a narrower compass; to teach them agriculture and mechanics, and give them school-houses and churches. This, to his mind, appeared to be the only feasible mode of acquiring their friendship, and, by circumscribing their field of operations, controlling their warlike movements, and putting an end to their manifold and constant depredations. At the same time, emigration and settlement, by the whites, would be encouraged back from the frontier posts, and communities of settlements planted that would ultimately ripen into states. The French and the English had hitherto pursued a different policy. All that they sought to obtain was a sufficient foothold for the mere purpose of temporary traffic, relying upon whiskey and tawdry presents for the preservation of amity; and if the voyageurs and traders extended the time of their residence, it was because thrift and a supply of the necessaries of life followed their otherwise aimless occupation. The great pecuniary advantages flowing from this traffic was enjoyed by the individuals or companies, as the case might be, in whose employment these agents were, at their homes in other lands. This, to the far-seeing mind of General Cass, was not the policy for the United States to adopt. He would have his government treat with these

men of the forest as mere occupants, and not owners, and that, in its intercourse with them, an effort should be made, at the outset, to impress them with the idea, that the President was their Great Father, having a watchful care over their interests, and, if possible, estrange them from British gold and whiskey.

These enlightened and humane views received the warm approbation of President Madison. Efforts had been made, for some time, to bring about an amicable arrangement with the various tribes of Indians on the Miami and Wabash ; and such progress had been made, by agents appointed for that purpose, that, in July, the War Department associated General Cass with General Harrison, and clothed them with power to treat, at Greenville, Ohio, with the Indians who had taken part against the United States during the war.

General Cass joined General Harrison at Greenville, about the twentieth of July, 1814. Here, to their perfect amazement, they found some five thousand Indians in council. They had not expected to find one quarter of that number. Immediately entering upon the business they came there to transact, the commissioners freely and boldly made known their views to this large and imposing council. For the first time, as it appeared, did they hear the important announcement, that the United States claimed to own all the lands, and that a peaceful occupancy by them of a portion, was all that the commissioners were empowered, by their Great Father towards the rising sun, to treat for. This open and sweeping declaration produced great commotion in the council. The tomahawk was freely brandished, and the glistening knives drawn from their belts and held up for terror. The commissioners remained unterrified, and repeated the declaration more emphatically than before ; and they were further told by the authority of the government, " we have always desired you to sit still, but you would not ; to remain quiet, but you will go to war ; and now, if you do n't join us, it is evident that you will pass over to our enemies. Here is our tomahawk, we invite you to take hold of it with us ;" and ere long, the commissioners found themselves, with their few attendants, in the midst of this numerous band of savages who were wild with rage, and whirling, and twisting, and yelling like so many demons in their war dance. Some of their chiefs and warriors were, nevertheless, for peace, and so declared. They held a council among themselves, danced a great war dance,

and each chief, after recapitulating his acts of bravery, advanced to the commissioners, and taking hold of the tomahawk, flourished it, and said he would consider it his own. The tumult finally subsided, and in a day or two such progress was made in the negotiations, that on the twenty-second day of July, a treaty of pacification was formed and signed, restoring comparative tranquillity to the frontiers, and a large body of Indians accompanied General Cass to Detroit, as auxiliaries. The tribes represented at Greenville, were the Wyandots, Delawares, Shawnees, Senecas and Miamis, and this was the first council called, in the north-west, to explain their condition, and invite them to join us.

As has been already stated, the government, during the spring and summer, were solicitous to strengthen General Brown on the Niagara; and General Brown wrote to General Cass and desired him to dispatch all the troops he could spare; and so anxious was General Cass to promote the object in view, that he ordered his whole force down the lake, reserving, in fact, but thirty men to hold possession of the fort at Malden. "It is known," says a writer on this subject, "that General Brown, who was as just to others as he was brave and able, never forgot this proof of zeal, but mentioned it as a rare instance of devotion to the public good, by which local interest was risked for general interest," and he often afterwards made his acknowledgments to General Cass. But during this very defenseless state, the Indians who yet remained hostile, became bolder. Their war parties traversed the country, and caused much alarm. General Cass found his duties and responsibility as governor, constantly increasing. He called the whole adult male population to arms, and many skirmishes occurred between the hostile Indians and the scouting parties. The governor sometimes himself headed these expeditions, and the nature of the service, as well as its personal hazard, may be judged by the fact, that on one occasion the servant of the governor, who rode immediately behind him, was attacked by a powerful savage, whom he killed in a personal rencounter. The inhabitants would sometimes assemble *en masse*, and led by the governor, armed with such weapons as they might happen to have, attempt to overhaul their tormentors, who endeavored to avoid a combat. Finally, on one occasion—their outrages became so frequent and daring—a party was formed, with the governor at the head, with a fixed determination of driving away or capturing them, without reference to

time or peril. The party marched to the Indian camp, but found it deserted. After searching the forest, they discovered the Indians retreating. The governor and his party being on horses, were impeded in their pursuit by the trees. The Indians were chased from place to place, until finally they retreated to Saginaw.

The Indians who accompanied General Cass as auxiliaries from Greenville, became strongly attached to him, and soon acquired the sobriquet of "pet Indians." The detachment behaved with fidelity and bravery, and rendered good service, both on our side of the river and in Canada, where they were sent. The exposed state of this frontier, in consequence of the want of force, and the vicinity of the hostile Indians, can hardly be appreciated. In October, 1814, a party of them left Detroit for the purpose of making excursions on the river Thames. After remaining in that vicinity several days, they collected and took prisoners forty-five of the British militia, among whom was a colonel. Having kept them a short time, the Indians, to show their humanity, permitted their prisoners to return to their homes on their *parole of honor* not to appear in arms against the United States or their allies, until legally exchanged, at the same time taking good care to detain the colonel as a hostage for the faithful performance of the contract on the part of the enemy. On the fourth of this same month, one of the Kickapoo Indians was shot near Cross Island, by an American soldier, while in the act of presenting his gun at one of the American party.

Colonel James, commander of a small British post now established at Sandwich, notified Governor Cass that a murder had been committed by some American soldiers, on a poor and unoffending Indian, and stating that it was needless for him to point out the line of conduct necessary on this occasion, or direct attention to the custom of savages, when one of their number had been murdered. Governor Cass, in reply, said that he would cause an inquiry to be made into the circumstances of the murder, and the perpetrators, if detected, would suffer the punishment which the laws of all civilized nations provide for such an offense, and added that it was unnecessary to allude to the Indian custom of retaliating upon innocent individuals; that the laws of this country operate impartially upon all offenders, and he was confident that no dread of the consequences would ever induce the courts of justice to punish the innocent or screen the guilty.

Governor Cass having thoroughly examined into all the facts bearing upon the transaction, subsequently wrote to the British officer, that the Indian alluded to was killed while in the attempt to shoot an American soldier ; that the act was committed within the territorial jurisdiction of the United States, and a British officer had, consequently, no right to require, nor ought an American officer to give, any explanation on the subject ; that this country did not acknowledge in principle, nor would it ever admit in practice, the right of any foreign authorities to interfere in any arrangement or discussion between us and the Indians living within our territory ; that if an Indian is injured in his person or property within the territory, our laws amply provided for the punishment of the offender, and the redress of the party injured.

The British authorities of the western district of Upper Canada, chagrined at the manly firmness and decision of Governor Cass, forthwith issued a proclamation offering a reward of five hundred dollars for the apprehension of the murderer.

As soon as this fact became known to Governor Cass, he issued a counter proclamation, requiring all persons, citizens of the Territory of Michigan or residing therein, to repel by force all attempts which might be made to apprehend any persons within the limits of the Territory, or waters under the jurisdiction of the United States, by virtue of the proclamation of the British authorities, or of any process which might issue from any authority other than that of the United States or Michigan.

The American soldier who shot the Indian was not apprehended. The principle put forth by the British authorities, of taking cognizance of offenses committed within the jurisdiction of the United States, was too palpably absurd to admit of question. It was a direct attack at our national sovereignty. The interference of his majesty's officers in behalf of his old allies, in a matter which did not concern them, was designed for effect on the minds of the savages, and to impress them with exalted ideas of the continued friendship and power of the British government ; to make that government appear as the voluntary avenger of their wrongs, whether real or fancied. Governor Cass was at home on the question, and possessed the courage and ability to meet the application with proper dignity and spirit. He would suffer no interference of a foreign power with questions arising within the American jurisdiction, and he would permit no American citizen

to be transported to his majesty's dominions to be tried for alledged crimes committed within the American territory under his guardianship.

In July of this year an attempt was made to recover Mackinaw, and a force was detailed, under the command of Colonel Croghan, for this purpose, with the co-operation of a part of the American fleet on Lake Erie. The works of the British, with the aid of the savages in that vicinity, were too strong, and the attempt was unsuccessful; but the establishments at St. Joseph's and at Sault Ste. Marie were destroyed.

In the winter of 1815, the treaty of peace was ratified by the President and Senate, providing that all the places which had been taken by the English or Americans during the war, should be restored; and, on the first day of July, Malden was surrendered to the British.

In June, 1815, General Cass removed to the Territory, with his family, and established himself in Detroit, which has been his residence ever since, except when absent in the service of the United States. At that time, the population of the Territory was probably five or six thousand, spread over an immense extent, and in a state of great destitution, owing to the terrible calamities which had marked the progress of the war upon this whole frontier. The social and political state of the country had to be built up. There was not a road, a real road, in the Territory, nor a bridge, nor a church, nor a school-house, nor a court-house, nor a jail. Not a foot of land had ever been sold by the United States, for, of course, there was no encouragement for emigrants. The jurisprudence had to be constructed, and, in fact, almost every thing to be made anew.

But British arrogance did not stop with the war. Forgetting, apparently, that upon the inland seas of the western country there were no belligerents and no neutrals, and therefore no rights for the one party to exercise, nor wrongs for the other to suffer, in consequence of those relations, parties of men from the schooner *Tecumseh*, an armed vessel of His Britannic Majesty, in June, 1816, boarded the brigs *Union* and *Hunter*, and the schooners *Champion* and *General Wayne*, for the purpose of seeing the crew and lading. This encroachment on the rights of individuals, as well as a violation of the rights of the nation, was brought to the attention of Governor Cass, who immediately addressed a decided

note, under date of the sixth of that month, to the commanding officer of the *Tecumseh*, saying:

"It has been officially represented to me that, in several instances, within a few days, vessels, bound from ports of the United States, upon Lake Erie, to this place, have been boarded by parties of men from an armed vessel of His Britannic Majesty, lying off Amherstburgh.

"These parties have entered the vessels while passing through the usual channel of communication between lakes Erie and Huron; in one instance, with the avowed object of taking therefrom two men, under the pretense of their being British deserters, and, in all instances, with objects, so far as they could be ascertained from the questions and conduct of the boarding officer, which furnish no justification for a British officer in forcibly entering a vessel of the United States.

"The manner in which this service has been performed, has had no tendency to diminish the effect which the character of such transactions is calculated to produce. The conduct of the boarding officer has been arrogant and imperious.

"In an aggression like this, the government of the United States can alone determine what course the honor and interest of the nation requires should be taken. But, until their decision shall be made known upon the subject, it becomes my duty to remonstrate against a practice for which the laws of nations afford no pretense; which is inconsistent with the relations existing between our respective governments; and the continuance of which must be attended with serious and important consequences."

This note to the British commander had the desired effect, and no further complaints were made to the governor of any interruption to American commerce or American vessels, while peacefully pursuing their legitimate business in those waters. It was satisfactory to the British officials that if vessels, bearing the flag of the United States, should be stopped and forcibly entered, with the avowed purpose of taking from them persons on board, and within sight of the spot consecrated by the victory of Perry, the whole nation would fly to arms, and that, notwithstanding the right of visitation and search was not mentioned or qualified by the treaty of Ghent, the United States would not, in any event, secede from their high and impregnable position upon this subject.

CHAPTER VIII.

The North-west Territory—Civil Government of Michigan—Land Titles—Condition of Michigan at Close of the War—Currency—Extent of the Territory—General Cass feels the Responsibility of his Position—Imputed Frauds on the Indians—How he Performed his Duties—Appointed to Treat with Ohio Tribes of Indians—Treaty of Fort Meigs—Aversion of the Chiefs to Remove—Wisdom of Commissioners—Large Cession—Military Road—The Detroit Gazette—The People Against a Change of Government—Public Surveys—Emigration into the Territory—The Six Nations—General Cass' Views of the Duties of an Indian Commissioner—Negotiates a Treaty at St. Mary's—Council at Saginaw—His Popularity with the Indians—Election of Delegate to Congress—Its Benefits.

The Territory of Michigan, from 1796, when possession was obtained from the British government, up to 1805, was a part of the organization known as "the territory of the United States north-west of the Ohio river," and was subject to the provisions of the ordinance of 1787. It occupied the first grade of territorial government, as prescribed by that ordinance—a governor, three judges, and secretary, constituting the civil power. To the governor and judges, or a majority, was confided the trust of selecting and adopting such laws of the original thirteen States, civil and criminal, as they might deem necessary and proper, and suitable for the district. Congress alone had the power to revise. In 1798, the North-western Territory entered upon the second grade of territorial government. This grade added a legislature to the civil authority, and, to entitle a district to representation in this body, it was provided that the district must have a population of five thousand free male inhabitants of full age, and for every five hundred of such inhabitants, one representative was allowed. The general assembly, in that year, convened at Chillicothe, and Michigan appeared by one representative. In 1805, Indiana was organized as a separate government, and Illinois and Michigan comprised the residue of the North-west Territory. In July of this year, Michigan was organized as a separate territorial government, by General Hull, who was appointed governor. At this period, the quantity of land within the Territory, at the disposal of the government, was small, and, for the most part, embraced east of a line running north from the river Raisin to Lake St. Clair, at a remove of six miles from the Detroit river and the

shore of Lake Erie. Upon examination, it was evident that the claimants held their lands by a precarious tenure; in many instances, deriving title from subordinate French and English officers. The settlers, fortunately for themselves, however, had made more or less improvements, and these were subsequently confirmed by legal grant from the United States, under the advice of the territorial government.

The only further cession of title to the lands, prior to the accession of General Cass to the governorship, was obtained from the Indians, under a treaty held by General Hull, at Brownstown, in 1807. The southern boundary of this cession was the Maumee bay and river, and embracing all the lands lying east of a line running north, from the mouth of the Au Glaire, a tributary of the Miami, until it should intersect the parallel of the outlet of Lake Huron; thence extending, in a north-easterly direction, to White Rock, on Lake Huron, this northerly line being afterwards adopted as the principal meridian line for the public surveys of the Territory.

Thus stood the Territory at the close of the war, commenced with Great Britain in June, 1812, and concluded in the winter of 1815. During this war, Michigan had suffered greatly. Scarcely a family, when it resumed its domestic establishment, found more than the remnants of former wealth and comforts. Entire families had been broken up and dispersed by this furious god; parents had been torn from children, and children from each other; some had expired on the field of battle, and others had been slain with ruthless barbarity by the Indians. Laws were powerless, and morals had suffered in the general wreck. Agriculture and commerce had languished. Provisions, and all the necessaries of life, were scarce, and high prices ruled in all transactions. Money, it was difficult to get; and the bank paper of Ohio constituted the general currency among the people. This, in New York city, was twenty and twenty-five per cent. below par, and precluded commercial transactions, except at a ruinous figure to the speculator and merchant.

In such a gloomy and unpromising condition did General Cass find Michigan, when he assumed the reins of its government. He saw, at a glance, that a civil government was to be established, and laws devised, enacted, and to be carried into effect, ere he could flatter himself that he possessed more than a mere selvedge

of government. Constituting a part of the legislative power, it rendered it a delicate task to aid in the enactment of laws which were to be enforced by the same will. How well he performed, with decision and enlightened discrimination, these herculean labors, the condition of Michigan, when he laid down the scepter, abundantly demonstrates.

The war had ruptured or weakened every tie which had previously connected the Indian tribes with the United States. The general direction of our intercourse with the Indians was one of the most important duties then devolving upon the Governor of Michigan. He was, by law, Superintendent of Indian Affairs within the Territory; and, in addition, he had, by the direction of the government, the same authority over all the Indian tribes east of the Mississippi and north of the Ohio, an extensive region, and inhabited by many bands of fierce and warlike Indians. This large and dangerous population was exposed to hostile impulses, as well by their contact with our frontier settlers as by the excited feelings which had been called into action by the events of the war; and to prevent collisions, and to protect and preserve the Indians in their relations of peace, required great firmness and judgment. General Cass was called, by these duties of intercourse, repeatedly to visit the Indians through this vast country, and as far north and west as the heads of the Mississippi. Councils were, from time to time, held with the various tribes, treaties to be formed, annuities to be paid, and dangers and difficulties to be averted. In repairing to the council fires of the respective tribes, (for each has its own, where business is done,) the mode of traveling was on horseback or in birch canoes,—in the former mode, where the Indians were in the interior, removed from navigable water-courses; and in the latter, where they could be reached by water conveyances. By land, the journey was slow and laborious. A day's travel did not average over thirty miles; and at night, the horses were turned out to pick such herbage as they could find, being first *spanceled*, that is, having their two fore legs tied together by a band, to prevent escape, and the party lay down, with a blanket around them and their heads upon their saddles for pillows. The precarious supplies furnished by hunting, together with such provisions as could be packed, were their resources for food. No roads, no bridges, no houses,—this state of things portrays the obstacles to be encountered.

In canoes, there was much more comfort. An Indian canoe, made of birch bark fastened to thin cedar ribs, is a very fragile boat; but it rides the waves well and safely, and is easily propelled. When the traveling party approached a rapid, the canoe and its contents were taken from the water, and carried across the portage upon the shoulders of the crew, and replaced in the water above the obstruction, and then the voyage was renewed. In a country intersected by water courses, this is a very independent mode of traveling for the Indians. General Cass once met a squaw, who had all her worldly possessions, everything necessary for her existence, upon her back. Her load consisted of a little birch canoe, her kettle, her mat house, her blanket, and one or two other articles; and she seemed to travel along in good spirits, across the portage, self-possessed and self-defended. The Indians and the Canadian voyageurs—the latter a peculiar class which has nearly disappeared, strong, muscular and indefatigable—managed these slender machines with great skill and judgment, laboring with much exertion, and resting every pipe, at once the measure of distance and the great solace of labor. Many thousands of miles has General Cass traveled in these little barks, attended by the Indians, who presented an animated scene upon the waves, in their light cockle shells, always in good spirits, and making the shores re-echo to their songs.

General Cass found the number of Indians within his jurisdiction, when he assumed the Superintendency of Indian Affairs, to be all of forty thousand, and that they could furnish, on most occasions, at least nine thousand warriors. They claimed to be the rightful owners of eleven millions of acres of land in Michigan alone, and, tracing their title to the Great Spirit in the clouds above and around them, they were disposed to adhere to it with the most superstitious bigotry. He fully appreciated the magnitude of this additional responsibility; he was also fully aware of the multiplicity of personal interests, with which he must necessarily come in contact in the discharge of his official functions in this quarter; but, despite this, he determined to discharge his duty to his country, and to all interested, with efficiency and undeviating fidelity. These duties commenced, too, at a time when, to the natural difficulties of their performance, was added imminent personal danger to the officer. Many

were the stories in circulation, impugning the motives of negotiators of treaties with the Indians, and great were the pecuniary advantages said to have been derived by them. But General Cass, inheriting, in a large degree, the integrity of his ancestors,—as solid as the granite hills among which he was cradled,—resolved to show to the world, that honesty could exist in the care and control of the fierce sons of the forest. With such views, he commenced his work; and with abiding assiduity did this pioneer commissioner do the bidding of his government, in winter or summer, day or night,—traveling through the wilderness on foot or horseback, and traversing its lakes and rivers in the birchen canoe. Hundreds of thousands of dollars did he disburse, transported at his own risk and under his own ever watchful eye; and not unfrequently procuring the means, on his private credit, of fulfilling treaty stipulations, when the government delayed to provide them.

In the month of April, 1817, General Cass was selected by the President to ascertain, by a personal interview with the chiefs and head men of the several tribes claiming lands within the limits of Ohio, whether it was then practicable to extinguish their title. Discretionary powers were conferred upon him:—if he should find it impolitic or impracticable to obtain all the country claimed, he was directed to learn whether there would be any reasonable prospect of obtaining the relinquishment of a portion. He immediately proceeded to Lower Sandusky, and was satisfied that the Indians might be induced to consent to cede their rights to a part, if not all, of the desired land. So he reported to the War Department; and the following May he was commissioned, in conjunction with General McArthur, to enter upon negotiations at his earliest convenience. The Commissioners received no definite instructions in reference to the provisions of the treaty which they might make, excepting that they should keep in view the policy of the government, to effect, ultimately, the peaceable removal of the Indians to the country west of the Mississippi river.

The Commissioners accepted the power conferred; and the sachems, chiefs, and warriors of the Wyandot, Seneca, Delaware, Shawnee, Pottawatomic, Ottawa and Chippewa tribes assembled to meet them at Fort Meigs, in Ohio, upon the Maumee, where is now the town of that name, in the month of September following.

Much talk was had; and General Cass soon discovered, in the progress of the negotiation, that he was dealing with minds, some of whom would compare favorably, in point of reason and comprehension, with the most enlightened in civilized life. The Indians, in view of the new home suggested to their consideration beyond the far-off Mississippi, were in a feverish state of excitement. They did not contemplate it with any degree of pleasure.

During the war of 1812, a considerable portion of the north-western Indians were in the British interests, and they became highly excited against the American government and people. This state of feeling occasionally broke out into acts of treachery and violence, and it was fostered and encouraged by the British Indian agent upon the frontier, who desired to preserve an influence to be exerted as subsequent circumstances might require. At this council this feeling strongly displayed itself, and in open council there was a demonstration which threatened serious consequences, but which was averted by the firm and prompt interference of the commissioners, who immediately left their seats and placed themselves in the midst of the Indians, overawing them by their personal conduct. In those days the Indians were numerous, and many of them disaffected, and every treaty was attended by thousands eager to take part in the proceedings, and to secure for themselves the largest portion of its favors, and thus individual cupidity operated in aid of the other causes of excitement.

To surmount these obstacles, it was necessary for the commissioners to put in requisition all their sagacity, tact and experience, and be patient under every difficulty. They were fully sensible of the incalculable importance of the desired acquisition, and General Cass was equally aware that if the negotiation terminated successfully, it would serve as a precedent, and be the entering wedge towards the final accomplishment of the policy which he had already shadowed forth to his government, of circumscribing the boundaries of savage life. Finally, owing to the great good sense and wisdom of the commissioners—for they had no presents to buy their good will, and the use of whiskey was interdicted at the commencement of the council—a treaty was concluded and signed on the twenty-ninth of the month, by which those tribes represented at the council, ceded to the United States nearly all the land to which they laid claim within the limits of Ohio, a part in the State of Indiana, and a portion in the Territory of Michigan.

This treaty was at once transmitted to Washington, and General Cass, well satisfied with the result of his mission, returned to Detroit.

This was the most valuable treaty which the United States had, up to that time, made with the Indians. It attached the isolated population of Michigan to the five hundred thousand inhabitants of Ohio; it made the territorial government, in a fuller sense, an integral part of the American Union, and removed forever all apprehensions of an inimical confederacy among the Indian tribes bordering on the large lakes of this frontier, and their many tributary streams. The Indian title to four millions of acres of land, as fertile, well watered and beautiful as the sun ever shone upon, was extinguished, and the policy of removal at last fairly adopted. The President and the Secretary of War fully appreciated the importance of the acquisition. In acknowledging the receipt of, the treaty, the Secretary (Mr. Calhoun,) did the commissioners the honor to say, "The extent of the cession far exceeds my most sanguine expectations, and there can be no real or well founded objections to the amount of compensation given for it, except that it is not an adequate one. This treaty may be considered, in its fiscal, political and moral effects, as the most important of any that we have hitherto made with the Indians."

General Cass followed up this cession—now that the Indian settlements and lands could not be interposed as a barrier to the undertaking—by urging upon the attention of the government the necessity, both politically and pecuniarily, for the immediate construction of a military road from Sandusky to Detroit. Its advantages to the government were so clearly pointed out, and the argument so convincing, that its necessity could not be overlooked, if there had been a disposition to do so. But so thoroughly convinced were the national authorities of its propriety and importance, that they cheerfully acceded to the application, and commenced constructing the road over the route indicated by General Cass, taking in its course the Black Swamp, hitherto an impassable morass for teams and wagons.

In the summer of 1817, General Cass feeling the necessity of a newspaper at the capital of the Territory, suggested the propriety of establishing one to Messrs. Sheldon & Reed, and those young and enterprising men, believing that there was spirit enough among the people to justify the undertaking, perfected their

arrangements and issued it under the name of "The Detroit Gazette." This was the first newspaper press established in Michigan, and continued for many years in the hands of the original proprietors.

Continuing to enact and enforce such laws as he considered for the good of the inhabitants, endeavoring to ascertain the truth or falsity of the allegation which was frequently made, that the lands of the Territory were for the most part worthless and swampy, and by actual surveys satisfied that there was a wrong impression on this subject, and finding that prosperity began to abound, and population to increase by emigration and settlement, General Cass called for the views of the inhabitants in March, 1818, upon the question of changing the civil authority by entering upon the second grade of territorial government. A vote was taken, and a majority were against it. They were content with the government as it was—a most flattering compliment to the competency and faithfulness of their Governor—and the wheels of the government moved on as usual. But for the purpose of facilitating emigration and settlement, Governor Cass, in April following, upon the petition of many citizens, circulated and signed at his suggestion, recommended to the Secretary of the Treasury, that the lands in the district of Detroit be at once surveyed and brought into market. The department acted upon this recommendation promptly, and sales were made in September and October following. This movement gave a new impetus to agriculture, and added to the permanent prosperity of the country.

In August, 1818, the attention of General Cass was again called, by Mr. Calhoun, the Secretary of War, to Indian affairs, and particularly to the policy of their effecting the removal of the Six Nations of Indians of the State of New York, west of the Mississippi. He was instructed to ascertain whether the Indians residing on Fox river, or any of the tribes residing north of Indiana and Illinois, would admit the Six Nations among them. This measure of the government, then in its infancy, from its peculiar nature, required the most delicate and politic management. The Indians who were represented at Fort Meigs the year before, were reluctant to leave their lands, and the Six Nations not only expressed their unqualified disapprobation of the proposition, but an absolute determination to resist. To urge it upon them at this time would have been prejudicial to its final success, and defeated

a most necessary step towards securing the safety and peace of the early settlers upon the lands recently acquired. General Cass, although favorable, of course, to the project of removing the Six Nations, was opposed to its forcible adoption then, and recommended that the time be postponed. In order to retain their confidence and friendship, he was in favor of acting upon principles of strict right and justice, and pursuing a fair and friendly negotiation. In all his transactions with the Indians, he carefully kept in view the honor of his country, and the condition of the unfortunate parties with whom he negotiated.

In his report of the treaty with the Chippewas, dated September 30th, 1818, to the Secretary of War, he remarks: "The negotiator of an Indian treaty is not sent upon such negotiation to ascertain the lowest possible sum for which the miserable remnant of those who once occupied our country are willing to treat, and to seize with avidity the occasion to purchase. Certain I am, that both you and the President would censure me, and justly too, were I governed, in any intercourse with the Indians, by such principles. The great moral debt which we owe them, can only be discharged by patient forbearance, and a rigid adherence to that system of improvement which we have adopted, and the effects of which are already felt in this quarter. Although I am thoroughly persuaded that it would be better for us, and for these Indians, that they should emigrate to the country west of the Mississippi, or, at any rate, west of Lake Michigan, yet it was impossible to give effect to that part of the instructions which relates to this subject, without hazarding the success of the negotiation. An indisposition to abandon the country so long occupied by their tribes, an hereditary enmity to many of the Western Indians, and a suspicion of our motives, are the prominent causes which, for the present, defeat this plan. When they are surrounded by our settlements, and brought in contact with our people, they will be more disposed to emigrate."

Continuing to carry out the instructions of the War Department, General Cass, during the following month of October, successfully negotiated, at St. Mary's, treaties to carry into effect, with certain modifications, the treaty of Fort Meigs, and for the acquisition of further cessions of lands in the State of Indiana. He made treaties with the Delawares, Pottawatomies, and Miamis, —three in all.

In the following year, he solicited permission to negotiate for a cession of the Indian title to lands in the northern part of Michigan. Clad with his usual ample discretionary powers from the government, he met the Chippewas in council, at Saginaw; and on the twenty-fourth of September concluded a treaty, by which large relinquishments to lands in Michigan were obtained, covering and embracing about six millions of acres. After the treaty was concluded, and he had left Saginaw for Detroit, the Indians deputed Washmenondeguet, their chief and orator, to overtake him, and express to him their entire satisfaction with the arrangement and their thankfulness for his kindness. His intercourse with these people was always of a character to command respect, and ensure confidence and friendship.

Nor was this friendship ephemeral. Several years afterwards,—when many and many a sun had risen and set,—the Chippewas, the Ottawas, the Pottawatomies, of Michigan, were again represented in council at the city of Detroit. It was on the twenty-fifth of July, 1855. Mr. George W. Manypenny, United States Commissioner of Indian Affairs, was present. Upwards of one hundred chiefs were in attendance. They had considered the points relative to the treaty of 1836, under which large amounts of money were claimed as due to their tribes from the general government. As a body, they were grave, sensible, and well behaved, and exhibiting a promptness, intelligence, and advance in civilization, unexpected to every observer. They had entered upon the consideration of the permanent location of their reservations within the State, when General Cass, entirely unexpected to them, entered the council hall. At sight of him, the chiefs forgot their business and all the solemnities of the occasion, in their joy at beholding their old and distinguished friend, and thronged around him, grasping his hands, and testifying their grateful remembrance of their former intercourse with him. After this spontaneous gush of enthusiastic regard had partially subsided, General Cass was formally addressed by the chiefs, and made a reply to them, replete with wise advice.

During the year 1819, the privilege of electing a delegate to Congress was granted to the people of Michigan, and further sales of public lands were ordered and made. These events were great advances in the hopes and prosperity of Michigan. By the first, a new channel of communication was opened,

through which her Chief Magistrate could convey to Congress and the national government, her wants and situation; and, by the latter, settlements would be made further into the interior of the peninsula, and land, now studded, at long intervals, on the banks of her lakes and rivers, by the Frenchman's hut, or the solitary post of the fur-trader, would soon become the sites of towns and villages, teeming with business and civilization. No one exerted himself with more zeal to effect these improvements in her condition than the Governor, convinced as he was that the introduction of the elective franchise among the people would elevate their political character; and that, by the sale of the public lands, the population and prosperity of the country would be more rapidly advanced. These sales, as yet, were confined to the district of Detroit; but by the extinguishment of the Indian titles, new surveys were ordered to be made, and those vast tracts of land, which hitherto had been mere ranges for the wild beasts and savages, were soon to resound with the echo of the woodman's ax, and the log houses of the hardy pioneers would stud the wilderness.

CHAPTER IX.

General Cass' Indian Superintendency extended—His Views of Governmental Policy—He recommends Peaceful Expeditions into the Superior Country—His Letter to the Secretary of War—The Secretary's Reply—Expedition—Plaster of Paris discovered—His Letter upon the Subject—Ordered to procure Cessions of Land at Sault Ste. Marie—Departure of the Expedition—Arrival at the Sault—Indian Council—General Cass' Fearlessness—His Success—Journey to the Sources of the Mississippi—Return—Report to the Department.

By additional orders from the government, the superintendency of General Cass over the Indians gradually extended. As the country over which they spread could not be used for the purposes of civilization until savage occupancy was terminated, it had been, and continued to be, his first duty to cultivate amity, and, by treaty, extinguish their rights. He had now negotiated for the Peninsula of Michigan, Northern Ohio, and Indiana. The Fox and Sac Indians annually made their appearance, to receive thousands of dollars of presents from the British agent at Malden. It was no unfrequent occurrence for them, as they passed along, to commit depredations upon the property of the whites; and by this constant tribute, a feeling of attachment was growing up and strengthening towards the British government. It required but little sagacity to foresee the injurious effect of this to the United States, if allowed to continue, even in time of peace; and, in the event of war, apprehensions of still worse consequences were entertained by those conversant with Indian character. General Cass witnessed and dreaded the influence which this practice, now in full operation for a quarter of a century, produced upon their minds. He was too often in contact with them, not to fully appreciate it. He, on several occasions, had endeavored to dissuade them from repeating these annual visits, but to no purpose. To him it was evident that there was but one course for the government to pursue, and that was to go into their country, and employ the same line of policy with them as had already been successfully adopted with their red brethren this side of the Lakes. Besides, the function and characteristics of their country, were in fact but little known, beyond the general

observations of indifferent explorers and casual travelers. Impressed with the profound importance of these views, he took the liberty, in the fall of 1819, of presenting them, in form and at length, to the War Department, in the following communication, dated Detroit, November 18th, and addressed to John C. Calhoun, Secretary of War:

"SIR:—The country upon the southern shore of Lake Superior, and upon the water communication between that lake and the Mississippi, has been but little explored, and its natural features are imperfectly known. We have no correct topographical delineation of it, and the little information we possess relating to it, has been derived from the reports of the Indian traders.

"It has occurred to me, that a tour through that country, with a view to examine the productions of its animal, vegetable and mineral kingdoms, to explore its facilities for water communication, to delineate its natural objects, and to ascertain its present and future probable value, would not be uninteresting in itself, nor useless to the government. Such an expedition would not be wholly unimportant in the public opinion, and would well accord with that zeal for inquiries of this nature which has recently so marked the administration of the War Department.

"But, however interesting such a tour might be in itself, or however important in its result, either in a political or geographical point of view, I should not have ventured to suggest the subject, nor to solicit your permission to carry it into effect, were it not, in other respects, intimately connected with the discharge of my official duties.

"Mr. Woodbridge, the delegate from this Territory, at my request, takes charge of this letter; and he is so intimately acquainted with the subject, and every way so competent to enter into any explanations you may require, that I shall not be compelled to go as much into detail as, under other circumstances, might be necessary.

"The route which I propose to take, is from here to Michilimackinac, and from thence, by the Straits of St. Mary's, to the river which contains the body of copper ore, (specimens of which have been transmitted to the government,) and to the extremity of Lake Superior.

“From that point, up the river which forms the water communication between that lake and the Mississippi, to the latter river, and, by way of Prairie du Chien and Green Bay, to Lake Michigan.

“The political objects, which require attention upon this route, are:

“1. A personal examination of the different Indian tribes who occupy the country ; of their moral and social condition ; of their feelings towards the United States ; of their numerical strength ; and of the various objects connected with them, of which humanity and sound policy require that the government should possess an intimate knowledge. We are very little acquainted with these Indians, and I indulge the expectation that such a visit would be productive of beneficial effects.

“The extract from the letter of Colonel Leavenworth, herewith enclosed, and the speech of the Winnebago Indians, transmitted to the War Department by Mr. Graham, from Rock Island, February 24th, 1819, will show how much we have yet to learn respecting these tribes, which are comparatively near to us.

“2. Another important object is, to procure the extinction of Indian titles to the land in the vicinity of the Straits of St. Mary's, Prairie du Chien, Green Bay, and upon the communication between the two latter places.

“I will not trouble you with any observations respecting the necessity of procuring these cessions. They are the prominent points of the country—the avenues of communication by which alone it can be approached.

“Two of them, Prairie du Chien and Green Bay, are occupied by a considerable population, and the Straits of St. Mary's by a few families. The undefined nature of their rights and duties, and the uncertain tenure by which they hold their lands, render it important that some step should be taken by the government to relieve them. I think, too, that a cession of territory, with a view to immediate sale and settlement, would be highly important in the event of any difficulties with the Indians.

“My experience at Indian treaties convinces me that reasonable cessions, upon proper terms, may, at any time, be procured. At the treaty recently concluded at Saginaw, the Indians were willing to cede the country in the vicinity of Michilimackinac, but I did not feel authorized to treat with them for it.

"Upon this subject, I transmit extracts from the letters of Mr. Boyd and Colonel Bowyer, by which it will be seen that these gentlemen anticipate no difficulty in procuring these cessions.

"3. Another important object is, the examination of the body of copper in the vicinity of Lake Superior. As early as the year 1800, Mr. Tracy, then a senator from Connecticut, was dispatched to make a similar examination. He, however, proceeded no further than Michilimackinac. Since then, several attempts have been made, which have proved abortive. The specimens of virgin copper which have been sent to the seat of government, have been procured by the Indians, or by the half-breeds, from a large mass, represented to weigh many tons, which has fallen from the brow of a hill.

"I anticipate no difficulty in reaching the spot, and it may be highly important to the government to divide this mass, and to transport it to the seaboard for naval purposes.

"It is also important to examine the neighboring country, which is said to be rich in its mineral productions.

"I should propose that the land in the vicinity of this river be purchased of the Indians. It could doubtless be done upon reasonable terms, and the United States could then cause a complete examination of it to be made. Such a cession is not unimportant, in another point of view. Some persons have already begun to indulge in speculations upon this subject. The place is remote, and the means of communication with it are few. By timely presents to the Indians, illegal possessions might be gained, and much injury might be done, much time elapse, and much difficulty be experienced, before such trespassers could be removed.

"4. To ascertain the views of the Indians, in the vicinity of Chicago, respecting the removal of the Six Nations to that district of country: an extract from the letter of Mr. Kenzie, sub-agent at Chicago, upon this subject, will show the situation in which this business stands.

"5. To explain to the Indians the views of the government respecting their intercourse with the British authorities at Malden, and distinctly to announce to them that their visits must be discontinued.

"It is probable that the annunciation of the new system, which you have directed to be pursued upon this subject, and the explanations connected with it, can be made with more effect by me than by ordinary messengers.

“6. To ascertain the state of the British fur trade within that part of our jurisdiction. Our information upon this subject is very limited, while its importance requires that it should be fully known.

“In addition to these objects, I think it very important to carry the flag of the United States into those remote regions where it has never been borne by any person in a public station.

“The means by which I propose to accomplish this tour, are simple and economical. All that will be required is an ordinary birch canoe, and permission to employ a competent number of Canadian boatmen. The whole expense will be confined within narrow limits, and no appropriation will be necessary to defray it. I only request permission to assign to this object a small part of the sum apportioned for Indian expenditures at this place, say from one thousand to fifteen hundred dollars.

“If, however, the government should think that a small display of force might be proper, an additional canoe, to be manned with active soldiers, and commanded by an intelligent officer, would not increase the expense, and would give greater effect to any representations which might be made to the Indians.

“An intelligent officer of engineers, to make a correct chart, for the information of the government, would add to the value of the expedition.

“I am not competent to speculate upon the natural history of the country through which we may pass. Should this object be deemed important, I request that some person acquainted with zoology, botany, and mineralogy, may be sent to join us.

“It is almost useless to add that I do not expect any compensation for my own services, except the ordinary allowance for negotiating Indian treaties, should you think proper to direct any to be held, and entrust the charge of them to me.

“I request that you will communicate to me, as early as convenient, your determination upon this subject, as it will be necessary to prepare a canoe during the winter, to be ready to enter upon the tour as soon as the navigation of the lakes is open, should you think proper to approve the plan.

“Very respectfully, &c.,

“LEWIS CASS.”

The department gave this communication the consideration

which the source from whence it emanated entitled it to receive. As previously, so now, the views of General Cass had weight with the government, and in January following, he received the following reply:

“DEPARTMENT OF WAR, January 14th, 1820.

“SIR:—I have received your letters of the 18th and 21st November last. The exploring tour you propose, has the sanction of the government, provided the expenditure can be made out of the sum allotted your superintendency for Indian affairs, adding thereto one thousand dollars for that special purpose.

“The objects of this expedition are comprised under the five heads stated in your letter of the 18th of November, and which you will consider, with the exception of that part which relates to holding Indian treaties, upon which you will be fully instructed hereafter, as forming part of the instructions which may be given you by this department.

“Should your reconnoissance extend to the western extremity of Lake Superior, you will ascertain the practicability of a communication between the Bad, or Burntwood river, which empties into the lake, and the Copper, or St. Croix, which empties into the Mississippi, and the facility they present for a communication with our posts on the St. Peter's.

“The Montreal river will also claim your attention, with a view of establishing, through it, a communication between Green Bay and the west end of Lake Superior.

“To aid you in the accomplishment of these important objects, some officers of topographical engineers will be ordered to join you. Perhaps Major Long, now here, will be directed to take that route to join the expedition which he commands up the Missouri. In that event, a person acquainted with zoology and botany will be selected to accompany him. Feeling, as I do, great interest in obtaining a correct topographical, geographical and military survey of our country, every encouragement, consistent with the means in my power, will be given by the Department. To this end General Macomb will be ordered to afford you every facility you may require.

“I have, etc.,

“J. C. CALHOUN.

“His Excellency, LEWIS CASS, Detroit, M. T.”

In March following, General Cass received from the Secretary of War information that Mr. Schoolcraft, a gentleman of science, and particularly skilled in mineralogy, had been selected to accompany him on the proposed expedition. He also received, in another communication, a letter from Giles Sanford & Co., to the Department, with reference to the discovery of plaster of Paris, and asking permission to take possession of it. The immediate reference of it, and the subject matter, to General Cass by the Department, is indicative of the unlimited confidence of the government in his integrity and intelligence. It was not abused. He immediately acknowledged its receipt by the following reply:

“DETROIT, March 10th, 1820.

“SIR:—I have the honor to acknowledge the receipt of your letter of the seventeenth ult., inclosing a copy of a letter from Giles Sanford & Co.

“Their statement with respect to the discovery of plaster of Paris upon one or more of the islands in the vicinity of Michilimackinac, to which the Indian title has not been extinguished, is correct. Specimens of this plaster have been brought here, and it is reported, by competent judges, to be of the best and purest kind. The quantity is stated to be inexhaustible, and as vessels generally return empty, or nearly so, from the upper lakes, it could be transported to any part of Lake Erie at a trifling expense.

“I have great doubts, however, whether it would be proper for the government to grant any permission to remove this plaster until the Indian title to the land is extinguished. The power of granting permission for that purpose is not given in the ‘act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,’ and appears, in fact, to be inconsistent with its general spirit and objects. To authorize these gentlemen to negotiate with the Indians for such a permission, is contrary to the settled policy which has always been pursued by the United States. I know of no case in which individuals have been or should be permitted to hold any councils with the Indians, except to procure the extinction of their title to lands claimed under grants from one of the States. The application here must be to the tribe, because in all their land there is a community of interest, which can not be severed or conveyed by the acts of individuals.

"But, independent of precedent, there are strong objections to this course in principle. If private persons are authorized to open such negotiations for any object, the government will find it very difficult to procure from the Indians any cession of land upon reasonable terms.

"Were these islands the property of the United States, I think it would be very proper to permit the plaster upon them to be removed by every person making application for that purpose. The supply being inexhaustible, the agricultural interest would be greatly promoted by such a measure, and the dependence upon a foreign country for this important article would be removed.

"I therefore take the liberty of recommending that a cession of these islands be procured by the United States from the Indians. I presume that this may be done without the payment of any annuity to them, and without any expense, except, perhaps, a few trifling presents. The plaster would then be at the disposal of government, and its free distribution, under such regulations as might be adopted to prevent disputes between the adventurers, or a monopoly by any of them, would be equally proper and beneficial.

"Very respectfully, sir,

"I have the honor to be

"Your most obedient servant,

"LEWIS CASS.

"Hon. JOHN C. CALHOUN, Secretary of War."

Impressed with the importance of extinguishing the title of the Indians to the lands they occupied, General Cass again addressed the War Department on that subject, on the eleventh and seventeenth. And in a letter of the fifth of April, the Secretary says :

"In relation to procuring cessions of land from the Indians, the government has decided that it would be inexpedient to obtain any further extinguishment of Indian title, except at the Sault de St. Marie, where it is the wish of the Department that an inconsiderable cession, not exceeding ten miles square (unless strong reasons for a greater cession should present themselves from an actual inspection of the country), should be acquired upon the most reasonable terms, so as to comprehend the proposed military position there.

"Herewith you will receive a plate of the country about the

Sault de St. Marie, on which is indicated the military site intended to be occupied for defense. You will also procure the cession of the islands containing plaster, provided these islands are clearly within the boundary of the United States, and can be obtained without any considerable expense.

“A commission, authorizing you to hold these treaties, will be forwarded to you in a few days.

“As it is desirable to know by what title the people at Green Bay and Prairie du Chien hold their lands, and whether or not the Indian titles to those lands were extinguished by the French, at any period subsequent to their possession of the country, (which is the impression of this Department), you will communicate such information as you possess, or may obtain, during your tour, on this subject.

“In addition to Mr. Schoolcraft, Captain Douglass, of the Engineer Corps, has been ordered to join you, and Mr. Whitney, (in whose behalf application has been made for that purpose,) may accompany you, if you can accommodate him. Should he accompany you, he will be allowed the same compensation made to Mr. Schoolcraft, who will be allowed one dollar and fifty cents a day for the time actually employed.”

It will readily occur to the reader, upon a perusal of these documents, that different motives, relative to the extinguishment of Indian title, actuated the Secretary of War and General Cass. The military defense of the country appeared to be uppermost in the mind of the former, whilst the latter embraced within his view, also, the settlement of the country, and its ultimate permanent prosperity. The government, however, sanctioned the enterprise; and its projector congratulated himself that this would be a good stepping-stone — a beginning, at least, — towards the final accomplishment of the wise policy of emigration and actual settlement, which he then favored with all his energies, and now is crowned with splendid results.

The expedition — viewed in all its aspects — was the most important ever undertaken under the auspices of the government, and was so regarded by the public prints in various parts of the United States. It was manned as recommended by General Cass, in his first suggestions to the Department. A suitable complement of soldiers was detailed, not so much for the safety of the travelers, as for its effect upon the Indians. The several scientific

gentlemen who had been selected to accompany the expedition reached Detroit in May. The birchen canoes, in which the expedition was to be conveyed, were ordered from the Chippewas of Lake Huron, near Saginaw Bay. Combining lightness with strength, they could be readily carried over portages, and bear considerable burdens when afloat.

The traveling party consisted of General Cass; Robert A. Forsyth, his private secretary; Henry R. Schoolcraft, as mineralogist; Captain D. B. Douglass, professor of engineering at West Point, as topographer and astronomer; Doctor Alexander Wolcot, as physician; Lieutenant Evans Mackey, United States Artillery, as commandant of the escort; and James D. Doty and Charles C. Trowbridge, who occupied respectively the situation of official secretary and assistant topographer. Besides these gentlemen, ten Canadian voyageurs were taken to manage the canoes, ten United States soldiers to serve as an escort, and ten Ottawa, Chippewa, and Shawnee Indians to act as hunters, under the directions of James Riley, an Anglo-American, and Joseph Parks, a Shawnee captive, as interpreters.

The expedition left Detroit on the twenty-fourth day of May. General Cass, with several of the members, proceeded by land nine miles, to Grove Point, on Lake St. Clair. The banks of the river, at Detroit, were lined with a large and enthusiastic concourse of people as the canoes passed up; and the soldiers, Indians, and Canadians, were exhilarated with the scene, and merrily and rapidly took their departure. The party, in consequence of a heavy gale, were detained at Grove Point, and did not resume their travel until the twenty-sixth, when the men loaded the canoes, and, at mid-day, the expedition embarked. They coasted along the lake, passed up the St. Clair river, and keeping near the southern shore of Lake Huron, and after suffering much delay from the rain and wind, on the sixth of June reached Michilimackinac, and, with a complimentary salute from the fort to the leader of the expedition, landed, amid the congratulations of the citizens of that northern post, who pressed forward to extend the hand of welcome. Here terminated the first great pause in their journey, after a tedious voyage of fourteen days, and at a remove from their starting place, of three hundred and sixty long miles. By following the indentations of the coast, and entering Saginaw bay, the route of travel was longer than if, as on board of a

steamboat, they could have traversed the lake farther from its storm-battered and rocky shores.

Having spent eight days on the island, the party were recruited, and felt better prepared for plunging deeper into the north-west forest. Before venturing to enter the stronghold of the Chippewas, whose domain encircled Lake Superior, it was deemed prudent, as a precautionary measure, to take along an additional military force of twenty-two men, under the command of Lieutenant John S. Pierce, of the United States Army, a brother of Franklin Pierce, as far as Sault de Ste. Marie. The expedition, with this additional force, now numbered sixty-four persons, and embarking from the island on the fourteenth, they reached the Sault on the evening of the sixteenth, and encamped on the wide green extending along the river.

This place was the seat of the Chippewa government, and being the outlet of Lake Superior, and at the head of ship navigation, had been occupied, as a military and trading post, from an early period of the settlement of Canada. Under the treaty of Greenville, made in 1795 by General Wayne, a reservation was made, covering any gifts or grants of land in the North-west Territory which the Indians had formerly made to the French or English, and this reservation had been renewed or confirmed by treaties with the same tribes, since the conclusion of the war of 1812, by the treaty of Spring Wells, of the eighth of September, 1815, and by the treaty of Fort Harrison, of the fourth of June, 1816. Under these treaties, the United States claimed the concession formerly made at the Sault, to the French, and by virtue of which concession, this place had been occupied as a military post. General Cass now proposed to hold a council, for settling the boundaries of the grant, and thereby obtain an acknowledgment and renewal of the concession.

This council was assembled at the marquee of the Governor, with the national ensign floating above it, the next day after his arrival. The chiefs, arrayed in their most attractive habiliments, with the usual profusion of feathers, and wearing their medals, received from time to time from the British, entered the marquee, and seating themselves with all their native dignity, opened the council with the ceremony of smoking the pipe of peace. When this was finished, and the interpreter, James Riley, a son of J. V. S. Riley, of Schenectady, N. Y., by a Saginaw woman, and

acquainted with the language and customs of the Chippewas, had taken his position, by direction of General Cass, he explained to the chiefs the object of the council. They gave him their undivided attention; but it was evident that the interpreter's speech was not well received, and many of them spoke, in reply, in opposition to the proposition of re-occupancy. At first, pretending ignorance of former grants to the French and English, and pressed from that position by a recurrence to facts which they could not parry, they still continued to evade, and the talk soon became desultory and very unsatisfactory. They differed among themselves, and the discussion soon became animated. Some expressed a willingness to adjust the boundaries, if it was not intended to occupy the place with a military garrison, accompanying their remarks with the suggestion, that, if it was so occupied, they were fearful their young men might prove unruly, and kill the cattle and hogs that might stray away from the garrison. This was designed as an insidious threat, and so received by General Cass; who immediately, in an emphatic but dignified tone and manner, informed them that, as to the establishment of a military garrison at that place, they need not give themselves any uneasiness, for that point was already irrevocably settled, and so sure as the sun, which was then rising, would set in the west, so sure would an American garrison be sent to that place, whether they renewed the grant or not. Such decision always has great weight with the Indians, and was particularly so in the present instance, as one of the officers of the American party, just before the assembling of the council, very indiscreetly and unauthorizedly, had intimated to one of the chiefs that it was not intended to send a garrison there. This decisive language had a sensible effect, and at once brought matters to a crisis. Their animated conversation and violent gesticulations plainly showed that high words were passing among the Indians. Shingabowassin, of tall and stately stature, and head chief of the band, was for moderation. Shingwauk, a chief who was on the war-path in 1814, was for extreme measures. Sassaba, a tall, martial-looking chief, wearing a scarlet uniform, with epaulets, and reputed to hold the rank of a brigadier in the British service, was the last chief who spoke; and, in the course of his speech, assuming a look of savage wildness, he drew his war-lance, and stuck it furiously in the ground before him, and retaking it, left the marquee, kicking away the presents which

had been laid before him. This defiant speech brought the deliberations to a close, and, amid great agitation and excitement, the council was summarily dissolved, the Indians going to their hill, and the Americans to their tents.

The Indian encampment was situated on a small hill, a few hundred yards west from the Governor's marquee, with a small ravine between. The Indians raised the British flag as soon as they reached their encampment. Supposing that their superiority in numbers made them, on that occasion, invincible, they ventured to indulge in the grossest insolence. The business of the party at that point had reached a crisis, and a conflict appeared inevitable. The Governor instantly ordered the expedition under arms, and calling the interpreter, proceeded with him, naked-handed and alone, to Sassaba's lodge. Several of the party, and, among others, Mr. Schoolcraft, being armed with short rifles, volunteered to accompany the Governor as a body guard, but he decidedly refused this. On reaching the lodge of this hostile and violent chief, he with his own hands pulled down the British flag, trod upon it, and, entering the lodge, told Sassaba that the hoisting of that insulting flag was an indignity which would not be tolerated on American soil; that the United States were the natural guardians and friends of the red man, and desired to act justly, and promote their peace and happiness; that the flag was the emblem of national power, and that two national flags could not fly in friendship on the same territory; that the red man must not raise any but the American, and, if they again did it, the United States government would set a strong foot upon their necks, and crush them to the earth; and he took the flag to his own quarters.

This intrepid conduct astonished the Indians, and was all that prevented an open rupture. Expecting so decisive a step to be followed by an instant attack on their camp, in ten minutes after the return of the Governor to his marquee, the Indians had cleared their lodges of their women and children, and covered the river with their canoes. The expedition, now under arms, were every moment expecting to hear the war-whoop, and prepared themselves to receive the furious shock. They remained in this position for some time, but finally it was observed that the Indians ceased to hold themselves in a hostile position, and the soldiers were dismissed to their tents.

The bold and daring course pursued by General Cass, had had

its effect, and evidenced a thorough knowledge of Indian character. They respect bravery. The movement of the entire force of the expedition would have brought on an immediate fight; but to see one man, and unarmed, walk boldly into their camp and tear down the symbol of their power without ceremony, amazed them, and brought them to reflection. General Cass has since been told, that, when this proceeding was stated to Mrs. Johnston, the daughter of Wabojeege, she told the chief that resistance was madness, and that this man, Cass, had too much the air of a great man to be trifled with, and would carry his flag through the country. She counseled peace. Shingabowassin responded to this advice, and Shingwauk coincided. Before the day passed, a better state of feeling prevailed among all of them, and Shingabowassin renewed negotiations. Towards evening, another council of chiefs was convened, and a treaty read, and signed by all, except Sassaba, ceding four miles square, reserving the perpetual right to fish at the rapids of the river; and the next day, the seventeenth of June, the expedition resumed its journey, and entered upon the waters of Lake Superior.

On the twenty-first, they reached the Pictured Rocks, so called, consisting of a series of lofty bluffs, extending along the southern shore of the lake for many miles, and presenting some of the most sublime and commanding views in nature. Among many striking features, one, in particular, attracted the admiration of General Cass. It was called the Doric Rock, an isolated mass of sandstone, projecting into the lake, consisting of four natural pillars, supporting an entablature of the same material, and presenting the appearance of a work of art. On the entablature rested a stratum of alluvial soil, covered with pine and spruce trees, and many of them sixty feet in height. The most remarkable feature of this wonder consisted of an excavation of the entablature, between the pillars, in the form of a common arch, giving it the appearance of a vaulted passage into the court-yard of some massive pile of antiquated buildings. On the evening of this day, they came across a village of Chippewas, about six miles beyond the termination of this picturesque shore, and were welcomed to their lodges. Here they were entertained with dancing and other festive feats.

On the twenty-fifth of June, the party left Lake Superior, and ascended Portage river. After a boisterous passage much of the

way, and rainy weather, and after passing from one portage to another, on the fifth day of July they reached the Fon du Lac. Ascending the St. Louis river to one of its sources, they descended a tributary stream of Sandy lake to the Mississippi river; thence ascended to the Upper Red Cedar lake, the principal tributary of the Mississippi; hence they descended the Mississippi fourteen hundred miles, to Prairie du Chien. They then navigated the Wisconsin river to the Portage, and, entering the Fox river, descended it to Green Bay. At this place, Mr. Schoolcraft, and others of the party, separated from General Cass, for topographical exploration along the eastern shore of Lake Michigan to Mackinac. General Cass, taking Chicago in his route, returned to his home at Detroit. Here he arrived on the tenth of September, having traveled over four thousand miles, and exploring a region of country hitherto unknown in its various characteristics, and having procured additional valuable knowledge of the various disposition and numbers of the Indians, and a more accurate and reliable topography of the vast country watered by the great lakes. He had made several treaties, and had accomplished the objects of the expedition.

Hastening to report to the government, he transmitted the following dispatch:

“DETROIT, September 14th, 1820.

“SIR:—I am happy to be enabled to state to you that I reached this place four days since, with some of the gentlemen who accompanied me on my late tour, after a very fortunate journey of four thousand miles, and an accomplishment, without any adverse accident, of every object entrusted to me. The party divided at Green Bay, with a view to circumnavigate Lake Michigan, and, I trust, they may all arrive here in the course of a week.

“As soon as possible, I shall transmit to you a detailed report upon the subject.

“Since my arrival, I have learned that Mr. Ellicott, professor of mathematics at the military school, is dead. I can not but hope that the office will not be filled until the return of Captain Douglass. I do not know whether such an appointment would suit him, but, from my knowledge of his views, feelings, and pursuits, I presume it would; and an intimate acquaintance with him, during my tour, enables me to say that, in every requisite qualification, as far as I can judge, I have never found a man who is

his superior. His zeal, talents, and acquirements are of the first order, and I am much deceived if he does not soon take a distinguished rank among the most scientific men of our country. His situation as an assistant professor to Colonel Mansfield, and his connection with the family of Mr. Ellicott, furnish additional reasons why he should receive this appointment.

“Very respectfully, sir,

“I have the honor to be

“Your obedient servant,

“LEWIS CASS.

“HON. J. C. CALHOUN, Secretary of War.”

As soon as it could be prepared, the following report was made, covering, in full, the inquiries to be answered by the expedition:

“DETROIT, October 21st, 1820.

“SIR:—I had the honor to inform you, some time since, that I had reached this place by land from Chicago, and that the residue of the party were daily expected. They arrived soon after, without accident, and this long and arduous journey has been accomplished without the occurrence of any unfavorable incident.

“I shall submit to you, as soon as it can be prepared, a memoir respecting the Indians who occupy the country through which we passed; their numbers, disposition, wants, &c. It will be enough at present to say that the whole frontier is in a state of profound peace, and that the remote Indians more particularly exhibit the most friendly feelings towards the United States. As we approach the points of contact between them and the British, the strength of attachment evidently decreases, and, about those points, few traces of it remain. During our whole progress, but two incidents occurred which evinced, in the slightest degree, an unfriendly spirit. One of these was at St. Mary’s, within forty-five miles of Drummond’s Island, and the other, within thirty miles of Malden. They passed off, however, without producing any serious result.

“It is due to Colonel Leavenworth to say, that his measures upon the subject of the outrage committed by the Winnebago Indians in the spring, were prompt, wise and decisive. As you have long since learned, the murderers were soon surrendered; and so impressive has been the lesson upon the minds of the

Indians, that the transaction has left us nothing to regret, but the untimely fall of the soldiers.

“In my passage through the Winnebago country, I saw their principal chiefs, and stated to them the necessity of restraining their young men from the commission of acts similar in their character to those respecting which a report was made by Colonel Smith. I have reason to believe that similar complaints will not again be made, and I am certain that nothing but the intemperate passions of individuals will lead to the same conduct. Should it occur, the acts will be disavowed by the chiefs, and the offenders surrendered with as much promptitude as the relaxed state of the government will permit.

“The general route which we pursued was from this place to Michilimackinac by the southern shore of Lake Huron. From thence to Drummond's Island, and by the River St. Mary's to the Sault. We then entered Lake Superior, coasted its southern shore to Point Kawena, ascended the small stream which forms the water communication across the base of the point, and, after a portage of a mile and a half, struck the lake on the opposite side. Fifty miles from this place, is the mouth of the Ontonagon, upon which have been found large specimens of copper.

“We ascended that stream about thirty miles, to the great mass of that metal, whose existence has long been known. Common report has greatly magnified the quantity, although enough remains, even after a rigid examination, to render it a mineralogical curiosity. Instead of being a mass of pure copper, it is rather copper imbedded in a hard rock, and the weight does not probably exceed five tons, of which the rock is the much larger part. It was impossible to procure any specimens, for such was its hardness that our chisels broke like glass. I intend to send some Indians in the spring to procure the necessary specimens. As we understand the nature of the substance, we can now furnish them with such tools as will effect the object. I shall, on their return, send you such pieces as you may wish to retain for the government, or to distribute as cabinet specimens to the various literary institutions of our country. Mr. Schoolcraft will make to you a detailed report, upon this subject in particular, and generally upon the various mineralogical and geological objects to which his inquiries were directed. Should he carry into effect the intention which he now meditates, of publishing his

journal of the tour, enriched with the history of the facts which have been collected, and with those scientific and practical reflections and observations, which few men are more competent to make, his work will rank among the most important accessions which have ever been made to our national literature.

“From the Ontonagon we proceeded to the Fon du Lac, passing the mouths of the Montreal, Mauvais, and Brulé rivers, and entered the mouth of the St. Louis, or Fon du Lac river, which forms the most considerable water communication between Lake Superior and the Mississippi.

“The southern coast of the lake is sterile, cold and unpromising. The timber is birch, pine, and trees of that description which characterize the nature of the country. The first part of the shore is moderately elevated, the next hilly, and even mountainous, and the last a low, flat, sandy beach. Two of the most sublime natural objects in the United States—the Grand Sable and the Pictured Rocks—are to be found upon this coast. The former is an immense hill of sand, extending for some miles along the lake, of great elevation and precipitous ascent. The latter is an unbroken wall of rocks, rising perpendicularly from the lake to the height of three hundred feet, assuming every grotesque and fanciful appearance, and presenting to the eye of the passenger a spectacle as tremendous as the imagination can conceive, or as reason itself can well sustain.

“The emotions excited by these objects are fresh in the recollection of us all; and they will undoubtedly be described, so that the public can appreciate their character and appearance. The indications of copper upon the western part of the coast are numerous; and there is reason to suppose that silver, in small quantities, has been found.

“The communication by the Montreal with the Chippewa river, and by the Mauvais and Brulé rivers with the St. Croix, is difficult and precarious. The routes are interrupted by long, numerous, and tedious portages, across which the boats and all their contents are transported by the men. It is doubtful whether their communication can ever be much used, except for the purposes to which they are now applied. In the present state of the Indian trade, human labor is nothing, because the number of men employed in transporting the property is necessary to

conduct the trade, after the different parties have reached their destination, and the intermediate labor does not affect the aggregate amount of the expense. Under ordinary circumstances, and for those purposes to which water communication is applied in the common course of civilized trade, these routes would be abandoned. From the mouth of the Montreal river alone to its source, there are not less than forty-five miles of portage.

“The St. Louis river is a considerable stream, and for twenty-five miles its navigation is uninterrupted. At this distance, near an establishment of the South-West Company, commences the Grand Portage, about six miles in length, across spurs of the Porcupine ridge of mountains. One other portage, one of a mile and a half, and a continued succession of falls, called the Grand Rapids, extending nine miles, and certainly unsurmountable, except by the skill and perseverance of Canadian boatmen, conducts us to a comparatively tranquil part of the river. From here to the head of the Savannah river, a small branch of the St. Louis, the navigation is uninterrupted, and, after a portage of four miles, the descent is easy into Lac du Sable, whose outlet is within two miles of the Mississippi.

“This was, until 1816, the principal establishment of the British North-West Company upon these waters, and is now applied to the same purpose by the American Fur Company.

“From Lac du Sable, we ascended the Mississippi to the Upper Red Cedar Lake, which may be considered as the head of the navigation of that river. The whole distance, three hundred and fifty miles, is almost uninhabitable. The first part of the route, the country is generally somewhat elevated and interspersed with pine woods. The latter part is level, wet prairie.

“The sources of this river flow from a region filled with lakes and swamps, whose geological character indicates a recent formation, and which, although the highest table-land of this part of the continent, is yet a dead level, presenting to the eye a succession of dreary, uninteresting objects. Interminable marshes, numerous ponds, and a few low, naked, sterile plains, with a small stream, not exceeding sixty feet in width, meandering in a very crooked channel through them, are all the objects which are found to reward the traveler for the privations and difficulties which he must encounter in his ascent to this forbidding region.

“The view on all sides is dull and monotonous. Scarcely a living being animates the prospect, and every circumstance recalled forcibly to our recollection that we were far removed from civilized life.

“From Lac du Sable to the mouth of the St. Peter’s, the distance, by computation, is six hundred miles. The first two hundred present no obstacles to navigation. The land along the river is of better quality than above; the bottoms are more numerous, and the timber indicates a stronger and more productive soil. But near this point commence the great rapids of the Mississippi, which extend more than two hundred miles. The river flows over a rocky bed, which forms a continuous succession of rapids, all of which are difficult and some dangerous. The country, too, begins here to open, and the immense plains in which the buffalo range approach the river. These plains continue to the falls of St. Anthony.

“They are elevated fifty or sixty feet above the Mississippi, are destitute of timber, and present to the eye a flat, uniform surface, bounded, at the distance of eight or ten miles, by high ground. The title of this land is in dispute between the Chippewas and Sioux, and their long hostilities have prevented either party from destroying the game in a manner as improvident as is customary among the Indians. It is, consequently, more abundant than in any other region through which we traveled.

“From the post at the mouth of the St. Peter’s to Prairie du Chien, and from that place to Green Bay, the route is too well known to render it necessary that I should trouble you with any observations respecting it.

“The whole distance traveled by the party, between the twenty-fourth of May and the twenty-fourth of September, exceeded four thousand two hundred miles, and the journey was performed without the occurrence of a single untoward accident sufficiently important to deserve recollection.

“These notices are so short and imperfect, that I am unwilling to obtrude them upon your patience. But the demands upon your attention are so imperious, that to swell them into a geographical memoir would require more time for their examination than any interest which I am capable of giving the subject would justify.

"I propose hereafter to submit some other observations to you in a different shape.

"Very respectfully, sir,

"I have the honor to be,

"Your obedient servant,

"LEWIS CASS.

"HON. J. C. CALHOUN, Secretary of War."

Mr. Schoolcraft, in the course of a few months, published a narrative journal of the travels of the expedition, and in it gave a minute account of the geography and topography of the country; hence it became unnecessary for General Cass to prepare a more extended account than contained in the foregoing report. But, as will be seen in the following maturely considered communication to the War Department, he was of the opinion, that, in a topographical point of view, further examination of the country was desirable, and would be profitable to the government.

"DETROIT, September 20th, 1820.

"SIR:—In examining the state of our topographical knowledge respecting that portion of the north-western frontier over which we have recently passed, it occurs to me that there are some points which require further examination, and which might be explored without any additional expense to the United States.

"The general result of the observations made by Captain Douglass will be submitted to you as soon as it can be prepared. And I believe he will also complete a map of the extensive route we have taken, and embracing the whole of the United States bounded by the upper lakes and the waters of the Mississippi, and extending as far south as Rock Island and the southern extremities of Lakes Michigan and Erie. The materials in his possession are sufficient for such an outline, and he is every way competent to complete it. But there are several important streams, respecting which it is desirable to procure more accurate information than can be obtained from the vague and contradictory relations of Indians and Indian traders. The progress of our geographical knowledge has not kept pace with the extension of our territory nor with the enterprise of our traders. But I trust the accurate observations of Captain Douglass will render a

resort to the old French maps for information respecting our own country, entirely unnecessary.

"I beg leave to propose to you, whether it would not be proper to direct exploring parties to proceed from several of our frontier ports into the interior of the country, and to make such observations as might lead to a correct topographical delineation of it. An intelligent officer, with eight or ten men, in a canoe, would be adequate to this object. He would require nothing more than a compass to ascertain his course, for it is not to be expected that correct astronomical observations could be taken. In ascending or descending streams, he should enter in a journal every course which he pursues, and the length of time observed by a watch. He should occasionally ascertain the velocity of his canoe, by measuring a short distance upon the bank, and should also enter in his journal his supposed rate of traveling. This, whenever it is possible, should be checked by the distance as estimated by traders and travelers. By a comparison of these data, and by a little experience, he would soon be enabled to ascertain with sufficient precision the length of each course, and to furnish materials for combination, which would eventually exhibit a perfect view of the country. I do not know any additional expense which it would be necessary to encounter. An ordinary compass is not worth taking into consideration. A necessary supply of provisions, a small quantity of powder, lead and tobacco, to present occasionally to the Indians, and a little medicine, are all the articles which would require particular attention. Officers employed upon such services should be directed to observe the natural appearances of the country ; its soil, timber and productions ; its general face and character ; the height, direction and composition of its hills ; the number, size, rapidity, &c., of its streams ; its geological structure and mineralogical products ; and any facts which may enable the public to appreciate its importance in the scale of territorial acquisitions, or which may serve to enlarge the sphere of national science.

"It is not to be expected that officers detached upon other duties can enter into the detail of such subjects in a manner which their importance would render desirable. But the most superficial observer may add something to the general stock ; and to point their inquiries to specific objects may be the means of eliciting facts, which in other hands may lead to important results.

The most important tributary stream of the Upper Mississippi is the St. Peter's. The commanding officer at the mouth of that river might be directed to form an expedition for exploring it.

"It is the opinion of Captain Douglass, and it is strongly fortified by my personal observation, and by the opinion of others, that Lieutenant Talcott, of the Engineers, now at the Council Bluffs, would conduct a party upon this duty in a very satisfactory manner. He might ascend the St. Peter's to its source, and from thence cross over to the Red river, and ascend the stream to the forty-ninth parallel of latitude, with directions to take the necessary observations upon so important a point. Thence up that branch of the Red river interlocking with the nearest water of the Mississippi, and down this river to Leech lake. From this lake there is an easy communication to the River de Corbeau, which he could descend to the Mississippi, and thence to St. Peter's.

"The St. Croix and Chippewa rivers, entering the Mississippi above and below the Falls of St. Anthony, might, in like manner, be explored by parties from the same post. The former interlocks with the Mauvais and Brulé rivers, but a descent into Lake Superior would not probably be considered expedient, so that the party would necessarily ascend and descend the same stream.

"The Chippewa interlocks with the Montreal and Wisconsin rivers, and consequently the same party could ascend the former and descend the latter stream.

"A party from Green Bay might explore Rocky river from its source to its mouth.

"A correct examination of Green Bay and of the Menomonie river might be made from the same post.

"The St. Joseph and Grand rivers of this peninsula, could be examined by parties detached from Chicago.

"It is desirable, also, to explore the Grand Traverse Bay, about sixty miles south of Michilimackinac, on the east coast of Lake Michigan.

"These are all the points which require particular examination. Observations made in the manner I have suggested, and, connected with those already taken by Captain Douglass, would furnish ample materials for a correct chart of the country.

"It is with this view that it might be proper, should you approve

the plan I have submitted to you, to direct that the reports of the officers should be transmitted to Captain Douglass, by whom they will be incorporated with his own observations, and will appear in a form best calculated to promote the views which you entertain upon the important subject of the internal geography of our country.

“Very respectfully, sir,

“I have the honor to be

“Your obedient servant,

“LEWIS CASS.

“HON. J. C. CALHOUN, Secretary of War.”

The above communication originated Major Long's second expedition, and the expedition of Henry R. Schoolcraft, in 1832, to Itasca lake, the head waters of the Mississippi river; and for a discovery of these head waters, the world is indebted to General Cass; nor is it presuming too much to add, that General Cass was mainly instrumental in finally obtaining that internal geography of the western country which Mr. Calhoun favored; and had he not followed up his expedition, described in this chapter, with unremitting efforts to obtain an accurate knowledge of the topography of the regions to which he referred in the foregoing communication, it is problematical whether civilization would not have been a quarter of a century, at least, behind its present advancement, in all the frontier settlements of this north-western country.

CHAPTER X.

Progress of Settlement—Land Sales—General Cass' Purchase—Scarcity of Roads—Public Surveys—Population of Michigan—Extinguishment of Indian Title—His Journey to Chicago—Treaty with the Indians—He prohibits the Use of Whiskey—The Pardoning Power—New Counties—Public Conveyances—Travelers—He recommends a Change of Government—Legislative Council.

Most of the year 1820 was thus occupied by General Cass. He devoted himself attentively, upon his return from the Mississippi, to the executive duties constantly claiming attention at Detroit. Public lands had been brought into market, and sold, in most instances, to actual settlers. With the progress of settlement came the necessity of extending the protecting arm of the government. The laws were to be enforced, and hence courts must be instituted, and officers appointed to administer justice, who would keep the fountain pure. Besides, in a newly settled country, it is necessary that the relations of neighborhood should be maintained on a different basis from what is observed in older communities. The ledger is not as often posted; the accounts between creditor and debtor are kept in the mind, and left to memory for the total footings, instead of being carefully and methodically transcribed, and left to paper and ink. Occasional chalkings, and imperfect and badly written and worse spelled figures and words often comprised the trade-books of the merchant; and as for the mechanic and artificer in iron, like the earliest of which we read in all antiquity, they never were at pains to go beyond a hieroglyphic, if even they stopped to do that; whilst the sturdy and indefatigable tiller of the soil squared his scores as he went along, especially on the credit side. If his annual surplus crops did not yield enough to balance the bill for groceries and merchandise and farm expenses, "the open, running account" was continued, and another year checked upon to close it. As in longer settled countries, so in this, occasionally a sharper would make his appearance on the surface, well fed with random bait carefully stowed away in his maw, and, to the surprise of the honest mechanic, laborious artificer, and simple-minded farmer, by some wonderful legerdemain, gradually, but

surely, swallow up their frugal gains. This would disturb the peace of society, and mar the accustomed harmony of the little neighborhood, if it did not tear the character of individuals.

To obviate, or rather forestall, crime, and save the hardy pioneer from such pitfalls, it became imperatively necessary to start the wheels of government in the right direction, and to select engineers that knew how to run them, and knowing how, would have the integrity to do so. This delicate duty was ever uppermost in the mind of their Governor. No speculator himself, and destitute of all disposition to be one, yet he had seen too much, and read too much, of the endless transactions of business, not to be aware of the existence of such a disposition in others. Consequently, in all his communications with the general land office, he constantly urged the policy of giving preference, in all reasonable ways, to the settler. Lands, in small parcels, and at low prices, was his invariable recommendation. The extent of General Cass' speculations in real estate, is, for the most part, comprised in two purchases—one, of five hundred acres, on the bank of Detroit river, at the price of twelve thousand dollars, in the year eighteen hundred and sixteen. His neighbors told him that the sum paid was exorbitant; and if any thing was wanting before, that act was enough to confirm them in the belief that he must rely upon other sources than mere traffic, for the respectable maintenance of his family. It is true that the price paid for this purchase, (and it was paid, after the example of his puritanic ancestry, in cash upon the delivery of the deed,) then appeared high, and most extravagantly so; but General Cass, at that early day, intended to make his then residence permanent, and he bought the property, in fact, for a homestead. And if, forty years afterwards, the ingathering shall multiply the value of the land, thus purchased, by fifties of thousands, until it reaches nearly two thirds of a million of dollars, the philosopher, in his reasoning upon this aggregation, must not fail to overlook the fact, that it is the result of natural position, and the beneficent measures of the territorial government.

The ordinance of '87 required the Governor, as a qualification, to hold, in his own right, twelve hundred acres of land. This qualification was complied with by General Cass. The tract of twelve hundred acres was situated at or near the mouth of the Detroit river. This tract, and the tract of five hundred acres, were bought of private individuals.

The public sales of 1820-21, gave a new impetus to the rising destinies of Michigan. Several cessions of land had been procured from the Indians, and these were necessary before a full and complete title could be acquired by the United States. They were honorable, too, to the American government; for, whatever may be the abstract right, under the laws of nature, of civilized nations to wrest from barbarians the soil which is not employed in agriculture, it is manifest that the government of the United States had a paramount right to these lands by conquest. They had a valid and indisputable claim by conquest from the English, and, subsequently, from the Indians themselves, in Wayne's war and the war of 1812; and yet they only claimed the right of pre-emption when the Indians saw fit to sell their lands.

At that period, but few roads had been constructed along the sparse settlements through the wilderness, and these were in a miserable condition, and hardly passable for the traveler. The constantly increasing settlements were calling for the construction of public works to facilitate emigration into different sections, and promote easier communication with each other. General Cass made extraordinary efforts to obtain the aid of the general government in advancing these works for the improvement of the Territory.

These calls were liberally responded to by the general government. Bills passed Congress, and appropriations were made for opening the road between Detroit and the Miami river; also, for the construction of a road from Detroit to Chicago, as well as a road from Detroit to Fort Gratiot, and the improvement of La Ploisance Bay.

The beautiful system of surveys of the public domain was carried into Michigan. Two straight lines were drawn through the center of the Territory—north and south, east and west. The line north and south was denominated the principal meridian, and the line east and west, the base line. The Territory was then surveyed into townships, six miles square; these were subdivided into sections, a mile square; and these townships were numbered in numerical order, increasing from the meridian and base lines. The mathematical accuracy of this kind of survey, and the additional fact, that each section and township were marked by the surveyors on the trees at the corner of each section, and the lines of the section, also, marked by shaving off the bark of the trees,

furnished unmistakable land-marks of the true boundaries of each tract surveyed.

Thus far under the administration of General Cass, but a small quantity of land, compared with the whole, had been brought into market; and this was in the eastern portion of Michigan, and lay in the land district of Detroit. But emigration, in silent progress, was now gradually scattering its settlers over the forest. And as they advanced into the interior, they found, frequently to their surprise,—for the representations of surveyors in many instances had been of a different character,—a fertile, dry, and undulating soil, clothed with the most charming scenery, intersected by limpid and rapid streams, and studded with small lakes well stocked with delicious fish. These facts were not concealed from their friends and acquaintances left behind in less inviting sections of the country, or where the leading avenues to wealth and distinction were already occupied. The interior contained no important settlements, but amid the clearings the lonely log cabin curled its smoke to the heavens from the borders of its lakes and rivers; and among the stumps and riven trunks of its large and stately trees, small patches of wheat glowed in the sun—green and inviting islands in a vast and magnificent ocean of wilderness.

To enable these settlers to be overtaken by others, and to increase the facilities for commerce and open communications to market, General Cass favored the immediate construction of highways. These roads, he insisted, commencing at Detroit—the great depot of the Territory,—passing through the most important parts of the peninsula, and terminating at the borders of the great lakes which almost encircle it, were essential to the security and prosperity of the country. He was not unmindful, neither, of the importance of guarding the frontier with military works. In reference to this subject, he remarked, in one of his communications to the department, as proof of the necessity of its attention, that “the fort at Detroit is in a dilapidated state. No repairs have been made on it since 1812, and it is, in fact, incapable of defense. The platform could not bear the discharge of an eighteen-pound gun, nor is there a single piece of artillery mounted upon the works. The pickets and abattis are rotten, and the gates unhung. It is in a far worse condition than it was at the commencement of the late war. The military works at Fort Wayne,

Fort Gratiot, Sault de St. Marie, at Green Bay and Mackinaw, are in but little better condition." He was able, however, to awaken but little attention or interest at this time, on the part of the general government, in providing a solid defense to the frontiers, where this would seem to have been most required.

As settlements extended, he saw the propriety of extinguishing Indian titles as fast and as far as possible. So far as the peninsula of Michigan was concerned, most of this work had been performed. There was still a tract lying south of Grand river, and in 1821 his services as Indian negotiator were again called into requisition; and in the summer of that year he again embarked at Detroit, in a birch canoe, for another journey over stream and portage. He ascended the Maumee, crossed the intervening country into the Wabash, and descending that river to the Ohio, went down the Ohio to the Mississippi, and from thence, striking the Illinois river, ascended it to Chicago. It was a long, circuitous and lonely voyage. For miles he saw no human beings save his boatmen, and for days was embowered in the primeval forest. It furnished him, nevertheless, an admirable opportunity to become acquainted with the character and locality of the immense country through which he so silently glided; and an abundance of time for reflection. He felt he was traversing a region of the world which one day would be the abode, under the ægis of our enlightened republican institutions, of millions of free-men yet unborn, and that the future benefit of the services which he was then rendering to his country would, in its advancement and prosperity, amply compensate all his personal hazard and efforts in its behalf.

Preliminary to the commencement of the negotiations at Chicago, the American commissioners, who were General Cass and Judge Sibley, of Detroit, ordered that no spirits should be issued to the Indians, and informed them,—as they would say it,—that the bungs were driven into the barrels. A deputation of chiefs waited upon the commissioners to remonstrate against this precautionary measure, and at its head was the hereditary chief Top-ni-be, really a respectable man, and high in the confidence of the Pottawatomie tribe, and approaching almost his hundredth year, but still in the possession of his mental faculties, and physically well preserved. Every argument was used by General Cass to convince them that the measure was indispensable; he told

them that they were exposed to daily murders, and that while in a state of intoxication they were unable to attend to the business for which they were convened, and urged upon them not to drink the fire-water. All this was useless, and the discussion was only terminated by the peremptory refusal of the commissioners to accede to their request. "Father," said the hoary-headed chief, when he was urged to remain sober and make a good bargain for his people,—“Father, we do not care for the land, nor the money, nor the goods. What we want is whiskey. Give us whiskey.”

At Chicago,—then a mere trading post,—after several talks, in which it was necessary for him to take high and resolute ground, he made a treaty, on the twenty-ninth of August, with the Chipewas, Ottawas, and Pottawatomies of Illinois, by which nearly all the country within the boundaries of Michigan, south of Grand river, and not before ceded, was granted to the United States.

General Cass, at this time on his return to Detroit, was called upon to exercise the pardoning power in two cases of murder, and here noticed for its novelty.

Two Indians,—named Ke-wa-bish-kim and Ke-taw-kah,—were arraigned at the September term, 1820, of the Supreme Court of the Territory; the former for the murder of a trader at Green Bay, and the latter for the murder of Dr. Madison, of the United States Army. Both were tried and found guilty. An application was made to the Governor to pardon them. In the then present attitude of our Indian relations, and well aware that British agents were constantly at work to curry favor and hold fast the friendship of the Indians, as well as the consideration that higher or more certain evidence of malice aforethought, perhaps, should be required in the case of a savage, the Governor took the application into consideration. Some time elapsed before he made up his final decision adverse to the application. The evidence was too clear, and he deemed it to be his duty to let the law take its course. December twenty-seventh, 1821, was the day of execution; and from the current accounts of the event, these men met their fate with stoical indifference.

They prepared themselves in jail, after their own customs, to meet their fate. They laid aside, as an offering to the Great Spirit, all the tobacco, pipes, and such other articles as they could get. By drawing a piece of leather over the vessel which contained their drink, they made a drum, around which,—having

painted themselves black,—they danced their death-dance. With red paint, they drew upon the walls of the prison cell figures of men, beasts and reptiles ; and on their blankets even painted the figure of an Indian suspended by the neck. The gallows was erected in a spot where it was visible to them ; and although informed that it was made for them, it excited no expression of dread or apparent fear of death. Evidently they had resolved to die with Indian fortitude, admitting their fate to be just and their punishment deserved ; and on the day of execution they ascended the fatal platform with firmness and composure. When the last moment arrived, they shook hands with their counsel and others who stood near, and asked pardon of the citizens present for the crimes they had committed. Then shaking hands with each other, the officers of the law drew the caps over their faces, and these swarthy sons of the forest, as it were, hand in hand, passed into the spirit land.

In the following year,—so great was the settlement of the country,—it became necessary for the Governor to lay off and create six new counties, extending from the head of Lake Erie, parallel with Detroit river and Lake St. Clair, towards Saginaw Bay. Public travel also began to increase, insomuch that, for the first time in the Territory, a public stage was introduced and plied between Detroit and the seat of justice of Macomb county, in connection with the steamboat on Lake Erie. The name of the steamboat was *Walk-in-the-Water*, and named after the Wyandot chief. This boat had no competition from other steam vessels, being the only one which navigated the lake, and was deemed sufficient to transact the commercial business of the Territory. In the succeeding year, (1823,) General Cass, by the request of the Department of War, met the Delaware Indians, and concluded an arrangement with them, by which they ceded several valuable tracts of land lying on the Muskingum river, in the State of Ohio. In the winter of this year, General Cass recommended a change in the territorial form of government. The increase of population and business was such, that he felt the responsibility was too great to be vested in the governor and judges,—embracing, as it did, the legislative, judicial and executive functions of the government. He thought, too, that the people should have more voice, and should have a representation, revocable at stated periods. In his judgment, this would materially

contribute to the stable progress of prosperity, and in the end give more satisfaction. His views were presented to Congress by the delegate, and Congress, listening to the application, passed an act providing for the establishment of a Legislative Council, to consist of nine members. These members were to be appointed by the President of the United States, with the consent of the Senate, out of eighteen candidates elected by the people of the Territory; and, with the Governor, they were invested with the same powers which had been before granted by the ordinance of 1787 to the Governor, Legislative Council and House of Representatives of the North-western Territory. By this act, the legislative power and duties of the governor and judges were taken away; the term of judicial office was limited to four years; and eligibility to office required the same qualifications as the right of suffrage.

This action on the part of Congress invested the Territory of Michigan with a more compact and energetic government, and met the cordial approbation of the inhabitants. The election of councilors, to be presented to the consideration of the President, awakened an interest in the affairs of government among the people which they had not previously experienced, and naturally did they consider themselves more as part and parcel thereof. In some respects, they considered that they had changed their position from that of servant to that of principal, and that the acts of their local rulers were now to be passed in review by themselves. They also experienced that other sensation, which underlies the growth and peaceful prosperity of all civilized communities,—namely, that they were citizens, exercising the elective franchise guarantied by a republican constitution, and no longer occupying the position of a mere dweller or visitor in the land selected, voluntarily, for the homes of themselves and families.

CHAPTER XI.

First Session of Legislative Council—General Cass delivers his Message—His Recommendation—His Views of Political Power—Of Schools and Education—The Copper Mines—Treaty with the Chipewas—Council of Prairie du Chien—General Cass' Prudence and Tact—The Gopher—Hunter's Narrative—Its Exposure—The Customs and Traits of the Indians—Their Language, Religion, and Depopulation—General Cass' Description.

In conformity with the Act of Congress, nine persons were appointed by the President, to constitute the Legislative Council of Michigan. It convened for the first time on the seventh day of June, 1824, at the Council House in Detroit. General Cass at that time delivered his message, in which he briefly reviewed the progress of the Territory, since his administration of its government commenced, and marked out what he considered the proper line of its policy, as well as its existing condition. In reference to the devastations during the war of 1812, he remarks: "The whole population was prostrated at the feet of the relentless savages, and with such atrocious circumstances as have no parallel in the annals of modern warfare; menaces, personal violence, imprisonment, and depopulation, were indiscriminately used, as either appeared best calculated to effect the object, which avowedly was to sever our citizens from the allegiance they owed to their country. Fortunately, their patriotism and energy resisted these efforts, and probably in no portion of the Union was more devotedness to the general cause manifested than here."

The proceedings of this Council attracted universal attention among the citizens. The members of the Legislature were guided by the Governor's message, which contained accurate information of the condition of the Territory, and indicated a thorough knowledge, on the part of the Governor, of its wants and capacities. He recommended the establishment of a system of township government, in which matters of local police might be regulated by the people in their primary meetings; the power of appointment and removal of territorial officers; a limitation of tenure to some of the offices, in order that a more faithful performance of the duties belonging to them might be secured; the necessity

of enacting laws for the surrendering of fugitives from justice; the organization of courts, which should make the dispensation of justice convenient and attainable in remote parts of the Territory; and the efficient organization of the militia. He pointed out the benefits which would result mutually to the constituent and representative by the division of the Territory into districts; the importance of a practical and well-digested system of schools and education; the situation of the roads; and explained to them the condition of the finances of the Territory, and recommended radical changes in the code of laws. All these topics were discussed in a statesmanlike manner, and satisfied as well the members of the Council as the inhabitants, for whose welfare he acted and wrote, that he understood their interests, and had endeavored to subserve them. The Legislature responded to these recommendations by enactments—the best evidence in their power to give of their unlimited confidence in the Chief Magistrate.

The Governor believed that the right of government was inherent in the people; and that from them, in a republican government, emanates all the power and sovereignty. In commenting on this point, he remarks: “The legislative power heretofore exercised, has been vested in officers over whom the people had no direct control. Authority, thus held, is certainly liable to abuse; but its practical operation was restrained and secured, as well by the limitations provided in the fundamental ordinance as by the spirit of our institutions and the superintending control of the general government. Still that change in our political system, which gives to the people the right of electing their own Legislature, is not only correct in principle, but will be found most salutary in its operation.

“The power of appointment to office, in free governments, presents for solution a delicate question. In this Territorial government, that power is vested in the Executive alone. I feel no disposition, on the one hand, to shrink from any necessary responsibility; nor, on the other, tenaciously to retain any power originally granted for the public good, but which the public interest now requires should be surrendered. The ordinance of Congress which forms the basis of our political fabric, was passed thirty-five years ago. It was a political experiment, and successive alterations have been made, and to remedy defects

which experience has shown to exist, and to accommodate its principles to the advancing opinions of the age. My own observation has satisfied me, that a beneficial change may be made in the mode of appointment to office. All township and corporation, and many county officers, particularly those whose duties relate to the fiscal and police concerns of the respective counties, should be elected by the people. In the appointment of others, it appears to me proper to give to the Council a participation. No system which has been adopted in the United States, upon this subject, is better calculated to effect the object than that which requires a nomination by an executive magistrate, and the concurrence of a deliberative body. By these means, we have the advantage of individual responsibility in the nomination, and also a check upon its abuse, in the required concurrence of a co-ordinate branch of the government."

Governor Cass also called the attention of the Legislature to another subject,—that of schools and education—a subject at that day not so much discussed or generally appreciated as since.

"The importance of this subject," he says, "to our present and future prosperity, must be too well appreciated to require any observation from me. A practical and well-digested system, which should extend to all the advantages of education, would be of inestimable value to this young and growing community. A more acceptable service could not be rendered to our fellow-citizens; and no more equitable tax can be levied in any country, than one whose application is directed to preparing its citizens for appreciating and preserving the blessings of self-government."

In relation to the accountability of the representative to his constituents, he comments as follows: "It is always desirable that the connection between the representative and constituent should be as intimate as practicable; and with this view, districts are usually established, within which, it may fairly be presumed, the electors will be acquainted with the characters and pretensions of those who request their suffrages. When these districts are extensive, and particularly when they embrace a whole State or Territory, the immediate accountability of the representative to those among whom he lives, and who know him best, is weakened. I believe it would be expedient to divide the Territory into districts, and assign to each the election of two members of the Council."

No person will pretend, but that these sentiments are such as would be expected from a believer in the doctrines of republicanism. In antagonism to the once popular dogma of limiting all civil power and authority to the few, and the few centered in one, he planted his administration upon the basis of popular suffrage: that being the government of the people, and baptized with their hearts' blood, it should be amenable to them, and at all times subject to their revision. The Legislature promptly seconded their Governor; and in all their legislation, this sentiment was steadily kept in view. With what benefit and success, let the subsequent history of Michigan attest.

In the course of this year, (1824,) General Cass directed the attention of the general government to the resources of that part of the Territory situate on Lake Superior, and, in particular, the copper mines. He recommended that steps be taken to obtain from the Indians the right to explore that country for mining purposes, with liberty to remove iron or other precious metals found there. There were obstacles in the way of procuring an absolute title; but all the advantages to be derived from a purchase, could be as well attained by procuring the assent of the Indians to prosecute mining operations, leaving the cession of title to some subsequent negotiation. The country was known to abound in rich mines of copper and iron. The observations and report of the expedition of 1820 had fully established this truth, and subsequent information confirmed it. The future value of these mines was perfectly obvious to General Cass. Writing on this subject, in November of this year, to Thomas H. Benton, of the United States Senate, he remarks:

"The metaliferous region is upon and about the lake shore, and the extinction of the Indian title to such a portion of it as may be deemed advantageous, would not diminish their means of subsistence. But I still think, as I thought originally, that it would be most proper to negotiate with them for the right to explore the country, and carry on mining operations wherever appearances may promise the most productive results. All the advantages we could expect to derive from the mineral riches of the country would be gained by the right to procure and take away any portion of them. No calculation can be made of the extent and pecuniary value of these copper mines. No doubt is entertained but that the metal may be procured with as much ease as in any

part of the world. In fact, it is well known that large masses of pure malleable copper have been discovered in different parts of the country, and there is every reason to believe that, when those regions are fully explored, these masses will be found to be still more abundant. The cost of making the purchase I have described, may be kept within the sum of ten thousand dollars, and full justice be done to the Indians interested. It might, I doubt not, be made for a much less sum, were it consonant to the principles or policy of the government to procure cessions from the Indians at the lowest possible rate. But it is due to the character of our country, and to the feelings of our citizens, that, in our negotiations with these wretched people, we should remember our own strength and wealth, and their weakness and poverty; that we should look back upon what they have lost and we have gained, and never forget the great moral debt we owe them."

At the session of Congress which assembled on the first Monday of December, 1824, a bill passed the Senate conferring authority on the President of the United States to appoint a commissioner to treat with the Indians for permission to search for copper on the south shore of Lake Superior. The bill, however, was lost in the House of Representatives; but the necessity for carrying out the suggestion of General Cass became so obvious to the next Congress, that it passed the bill, and a treaty was made with the Chippewas, granting to the United States the right to search for and carry away the metals or minerals found in any part of their country. This was the commencement of mining in the Superior region, and the enterprising miner, and the companies he represents, may, in justice, attribute their right to tear up the rocks and mountains, and excavate the subterranean caverns of earth, to the vigilant watchfulness and far-seeing statesmanship of General Cass at this early day.

In the year 1825, the general government believed it was their duty to make an effort to terminate, if possible, the feuds and enmities existing among the north-west tribes of Indians. Wars, for many successive years, had been waged between the Chippewas and Sioux; the Sacs and Foxes and the Sioux; and the Iowas and the Sioux. The last named tribe roamed an extensive country, and was turbulent and revengeful, and powerful. It was thought, if this state of hostilities was suffered longer to continue within the jurisdiction of the United States, the evil would become

incalculable. Besides, there was extreme danger of these wars extending over a large surface of country. The government became fearful that other tribes, far up the Missouri and Mississippi rivers, would become involved in hostilities, and a general warfare be the consequence. This would be a deplorable evil, retarding the advancement of the country, and creating new and, perhaps, insurmountable obstacles to a removal, of the tribes further east, beyond the Mississippi. To promote peace among themselves, and to establish limits to their hunting grounds, so that one tribe should not invade the domain of the other, and thus remove the principal source of all their difficulties, General Cass was associated with Governor Clarke, of the State of Missouri, Superintendent of Indian Affairs, and well acquainted with them, and who had been the associate of Lewis across the Rocky Mountains, in a commission to negotiate a treaty of general pacification and boundaries. The commissioners, in August, at Prairie du Chien, met, in pursuance of invitation to these Indians, large deputations of the Sioux, Chippewas, Sacs, Foxes, Winnebagoes, Iowas, and Menominees, and many of them having come from points a thousand miles from the treaty ground. This great council, being, from numbers, necessarily of many dispositions and minds, was quite unwieldy, and it was many days before the commissioners were able to penetrate their views. Their numerous claims came in conflict, and were perseveringly and doggedly urged. It was a herculean task to reconcile these formidable differences, and induce concession and relinquishment. The nature of the transaction was different from an ordinary treaty, where lands were to be given up on the one side, and a consideration paid therefor on the other. "There were no tangible inducements—no glittering gold and showy presents. The consideration of their concession was entirely a moral one. It was asking the turbulent and war-seeking Chippewa, the brave and daring Sioux, to lay down the tomahawk, and extend the hand of peace and friendship to one another, while each held the unavenged trophies of valor, obtained in deadly combat." All the caution and prudence of the commissioners were required to meet successfully the great acuteness of the Indians in defining their rights, and their pertinacity in maintaining them; and had not the commissioners been thoroughly conversant with their character, and undismayed with their frequent startling ebullitions of passion, the conference

would have been a failure. But, to the perpetual good of the Indians, the commissioners concluded a treaty with them, on the nineteenth of August. To give due solemnity to this treaty, none of the ceremonies, usual on such occasions, were omitted by the commissioners. To these ceremonies the Indians attach great importance, and such a token of respect to their usages and customs, operated favorably in holding them more faithfully to the fulfillment of their agreements. Accordingly, at the conclusion of the treaty, the commissioners entertained all of the Indians with a feast. There was a peculiarity attending it, however, which struck the guests with astonishment. General Cass made use of the occasion to explain to them the evils which they suffered from an indulgence in ardent spirits, and pointed out to them the terrible consequences, if they continued the practice. To convince them, at the same time, that the government was not actuated by a parsimonious spirit, or a desire to save the cost of the liquor, which it had been customary to distribute at the signing of treaties, and then omitted, the commissioners took care to have an ample supply of whiskey, to be brought in among them. As they were proceeding to help themselves, General Cass ordered the vessels containing the liquor to be overturned, and the entire contents to be wasted on the ground. The Indians, by their repeated exclamations of *Te-yaw*, showed much disappointment, and were astonished by this short, practical, and novel temperance lecture. The objects of this treaty were, in part, attained. It resulted in a common acceptance of certain geographical or other known boundaries, and its beneficial results accrue with each coming year. The lines of separation, defined with so much solemnity, and by such general consent, are appealed to as decisive. War may still prevail, as it has existed for ages, but border contests, the most inveterate and sanguinary, may be appeased.

In his forest travels, General Cass had the opportunity, and, sometimes, the leisure, to examine the animal and vegetable kingdom, in the unequivocal exhibition of nature. In one of his excursions into the recesses of the wilderness, he found himself in the country of the gophers—small animals which dwell principally in the earth, and known to naturalists under the name of *Pseudostoma Bursarium*. Their natural habits lead them to burrow in the ground, and they are furnished with two pouches, formed by a prolongation and indentation of the skin of the cheek,

by which the pouch, while it opens outwards, is contained within the jaws. The object of this strange apparatus is said to be to enable the little animal to excavate his dwelling, in the sandy ground where he loves to resort, by filling his pouches with sand, and then carrying the burden to the entrance of his hole, and there depositing it, by pressing his fore paws upon his cheeks.

At this time, the animal was not much known, and he succeeded in procuring one, and gave directions that the skin should be carefully prepared for preservation. It was in the month of July, and it became necessary to turn the skin of the pouches inside out, in order that it might be effectually dried. In this position, they presented the appearance of two strange-looking projections, pushed out from the cheeks, and whose object it would be difficult to divine. He saved these *exuviae* of the gopher, and afterwards sent them to a naturalist, in New York—a man of much worth; at one time of high political standing, and who was then a point of concentration for many facts in natural history, which, without his zeal, would, for the time, have been lost to science. General Cass did not replace the inverted pouches in their proper position, never dreaming of the unlucky renown they were about to acquire, and never supposing, for a moment, that any mistake could exist respecting their natural arrangement. But so it was: the stuffed specimen was sent, by the New York philosopher, to Europe, with the projecting appendages, and the animal formed the subject of a memoir, of Cuvier, to the Academy of Natural Sciences. This zoological stranger was described as belonging to a new species of quadrupeds; speculations were indulged upon his proper position and habits of life: thus warning us that the highest acquirements may be at fault, and that we must not always surrender our confidence to the greatest names.

In the year 1823, John Dunn Hunter's narrative of the "Manners and Customs of several Indian tribes, located west of the Mississippi," appeared, from a publishing house in Philadelphia, and, at the time, attracted much attention. General Cass, in the course of his tours through the west, had satisfied himself that this work was an imposture. In determining to expose it to the world, his mind was led to dwell on the subject of Indian character, language, and condition, and he wrote the article which appeared in the fiftieth number of the North American Review, in January, 1826. The subject was full of interest, and written in a style

uncommonly earnest, chaste, and eloquent; and the public were gratified to learn that a theme so interesting had engaged the attention of so cultivated and liberal a mind.

General Cass was too much attached to truth and opposed to imposture, to stand by and see the character and ways of the poor Indian mercilessly hawked at by an unseen foe. "More than three centuries have passed away," says he, "since the American continent became known to the Europeans. At the period of its discovery, it was inhabited by a race of men, in their physical conformation, their moral habits, their social and political relations, their languages, and modes of life, differing essentially from the inhabitants of the Old World. From Hudson Bay to Mexico, and from the Atlantic to the Rocky Mountains, the country was possessed by numerous petty tribes, resembling one another in their general features, but separated into independent communities, always in a state of alarm and suspicion, and generally on terms of open hostility. These people were in the rudest condition of society, wandering from place to place, without sciences and without arts, (for we can not dignify with the name of arts the making of bows and arrows and the dressing of skins,) without metallic instruments, without domestic animals; raising a little corn by the labor of their women with a clam-shell or the scapula of the buffalo, devouring it with true savage improvidence, and subsisting during the remainder of the year upon the precarious supplies furnished by the chase and by fishing. They were thinly scattered over an immense extent of country, fixing their summer residence upon some little spot of fertile land, and roaming, with their families and their mat or skin houses, during the winter, through the forests, in pursuit of the animals necessary for food and clothing. Such a state of society could not but arrest the attention of the adventurer, to whom everything was new and strange. A spirit of inquiry had been recently awakened in Europe, and the discovery of the mariner's compass and the art of printing had wonderfully enlarged the sphere of human observation and given new vigor to the human faculties. And we find, accordingly, that the man of America soon became the subject of examination and speculation, and many a ponderous tome has been written on the topic, from the letter of Veneyzani to Francis the First, in 1524, down to the latest work, manufactured in London by some professional book-maker, whose accurate

knowledge of the Indian character and condition has been acquired by profound observation within Temple-bar, or who strings together the falsehoods of such men as the personage who calls himself John Dunn Hunter; and whose *finale* is always a jeremiad upon the savage treatment of the aborigines of this continent by their barbarous Anglo-American neighbors.

“Of the external habits of the Indians, if we may so speak, we have the most ample details. Their wars, their amusements, their hunting, and the more prominent facts connected with their occupations and condition, have been described with great proximity, and doubtless with much fidelity, by a host of persons, whose opportunities for observation, and whose qualifications for description, have been as different as the places and the eras in which they have written. Eyes have not been wanting to see, nor tongues to relate, nor pens to record, the incidents which from time to time have occurred among our aboriginal neighbors. The eating of fire, the swallowing of daggers, the escape from swathed buffalo robes, and the juggling incantations and ceremonies by which the dead are raised, the sick healed, and the living killed, have been witnessed by many, who related what they saw, but who were grossly deceived by their own credulity and by the skill of the Indian *Waubeno*. We have ourselves, in the depth and solitude of our primeval forests, and among some of the wildest and most remote of our Indian tribes, gazed with ardent curiosity, and perhaps with some slight emotion of awe, upon the *Jongleur*, who with impudent dexterity performed feats which probably it is wiser to witness than to relate. And when the surrounding naked and painted multitude, exulting in the imposing performance, and in the victory obtained over the incredulity of the white strangers, fixed their eyes upon us, and raised their piercing yell, breaking the sounds by the repeated application of the hand to the mouth, and dancing around us with the activity of mountebanks and the ferocity of demons,

‘We dare not say, that then our blood
Kept on its wont and tempered flood;’

nor that, under less favorable circumstances, the same might not have been terrific, and impressed us with recollections equally difficult to reject and to account for. And there can be no doubt, that similar scenes in other times, with proper ‘appliances

and means to boot,' have been the origin of most of those stories of Indian miracles and prophecies which occupy so large a portion of the narratives of our earlier historians and travelers.

"But of the moral character and feelings of the Indians, of their mental discipline, of their peculiar opinions, mythological and religious, and of all that is most valuable to man in the history of man, we are about as ignorant as when Jacques Cartier first ascended the St. Lawrence. The constitution of their society, and the ties by which they are kept together, furnish a paradox which has never received the explanation it requires. We say they have no government. And they have none whose operation is felt either in rewards or punishments. And yet their lives and property are protected, and their political relations among themselves and with other tribes are duly preserved. Have they, then, no passions to excite them to deeds of violence, or have they discovered, and reduced to practice, some unknown principle of action in human nature equally efficacious with the two great motives of hope and fear, upon which all other governments have heretofore rested? Why does an Indian, who has been guilty of murder, tranquilly fold his blanket about his head, and, seating himself upon the ground, await the retributive stroke from the relation of the deceased? A white man, under similar circumstances, would flee or resist, and we can conceive of no motive which would induce him to submit to such a sacrifice. Those Indians who have murdered any of our citizens, have generally surrendered themselves for trial. The Winnebagoes convicted at Belleville, the Osages at the post of Arkansas, and the seven persons now confined at Mackinac for the murder of four American citizens upon Lake Pepin, in August, 1824, freely delivered themselves to our authority, as necessary offerings for their own guilt, and to exonerate their tribes from suspicion or injury. And it is but a just tribute to the impartial execution of our laws to state, that the persons who were guilty of the atrocious murder of a number of Indians, a few months since in Indiana, were convicted and executed in June last.

"This result is, however, sometimes avoided by an agreement on the part of the friends of the murdered person to receive a present instead of the life of the offender. It is the price of blood, and contributions are freely made to it by all the relations of the criminal. But its acceptance or rejection is purely voluntary, and

as there is no obligation to receive, so no offense is given by refusing this peace-offering. The victim dies, if the love of revenge is stronger than the love of property. In 1824, an Ottawa Indian was killed by a Miami. A formal negotiation was carried on between the two tribes, which finally resulted in the payment of five thousand dollars by the latter to the former. It is worthy of remark, that the right to kill a murderer, without any preparatory demand, is confined to persons of the same tribe. When the criminal and the victim belong to different tribes, a demand must be made previously to the adoption of any other measure, which, if not satisfied, is followed by war.

“Within the last year, we ourselves, far in the interior of the country, while surveying the initiatory ceremonies of the Indian *Mectay*, one of their mystical societies, saw a Chippewa, whose grave and serious demeanor attracted our observation. His appearance led to the inquiry, whether any peculiarity in his situation impressed upon his deportment the air of seriousness which was too evident to be mistaken. It was ascertained that he had killed a Pottawatomie Indian during the preceding season, and that the Pottawatomes had made the usual demand for his surrender. On a representation, however, that he was deeply in debt, and that his immediate death would cause much injustice to some of the traders, the injured tribe at length agreed to postpone his execution till another season, that the produce of his winter's hunt might be applied to the discharge of his debts. He had been successful in his exertions, and had paid the claims against him. He was about to leave his friends, and to receive, with the fortitude of a warrior, the doom which awaited him. He was now, for the last time, enjoying the society of all who were dear to him. No man doubted his resolution, and no man doubted his fate. Instructions, however, were given to the proper agent, to redeem his life at the expense of the United States.

“But the difficulty of surveying the Indians in their own country is in direct proportion to its importance. They are jealous and suspicious, unwilling to associate with strangers, and slow to give them their confidence. Persons unacquainted with them, and ignorant of their language, can not reside with them, and follow them from camp to camp, through the vicissitudes of the seasons, and exposed to privations, which Indians only can provide against or successfully encounter. A fortitude and zeal which could

meet and overcome these obstacles, are rarely found, and still more rarely applied to such pursuits.

“The *Totem* is the armorial badge or bearing of each tribe into which the various nations are divided. It is the representation of the animal from which the tribe is named. This is not the place to discuss the principles and objects of this institution. It is one of the most important in aboriginal polity, and its full development would lead to new views and opinions. Its operation is felt in religious ceremonies, in the laws regulating marriages, and in the succession and election of civil, or, as they are called, Village Chiefs. If one of the tribes has a right to furnish the chief, the others have a right to elect him. The tribes are named from the eagle, the hawk, the beaver, the buffalo, and from all the ‘beasts of the field, the fowls of the air,’ and the fishes of the rivers and the lakes. The succession in the tribes is in the female line, and the figure of the sacred animal is the *Totem*, which every individual of the tribe affixes, whenever his mark is necessary, or whenever he wishes to leave a memorial of himself. This beloved symbol adheres to him in death, and is painted upon the post which marks his grave.”

Speaking of the multiplicity of languages and dialects among the Indians, he remarks: “It is easy to conceive, that roving bands of savages, in the hunter state, may separate for very trivial causes, and that dialects may soon be formed, which will gradually recede from one another, until all etymological traces of their common origin can with difficulty be discerned. Languages which are not fixed by letters must be liable to perpetual fluctuations; and as the intercourse between different tribes is diminished by mutual hostilities, or by distance, their dialects will rapidly recede from one another. In this manner many dialects, and possibly all, have been formed. The Foxes have a traditionary legend upon this subject, which we are tempted to give, because it happily explains their opinion of the mode in which these separations of natural and political connection, and, consequently, of languages, have been brought about.

“Many years since, say they, two bands of our people were living near each other. The chief of one of these bands wanted some Indian tobacco, and sent one of his young men to the chief of the other band to procure some. The latter, being a little offended with his relation, told the young man that he would send

no tobacco, and that he had long tusks, intimating that he was disposed to quarrel. The young man replied that the tobacco was wanted for a feast. The chief then took up a pair of *Apukwine*, (large bone needles, made of the ribs of the elk, and used in the manufacture of rush mats,) and throwing his pipe upon the ground, put these, like tusks, upon each side of his mouth, and said, 'My teeth are long and strong, and will bite.' The young man returned and communicated the result to his chief, who assembled his warriors, and said, 'My warriors, let us prepare to pull out these long tusks, lest they should grow sharp and bite us.' He then directed them to accompany him to an attack upon the other party, and they proceeded to form an ambuscade near their camp. As the day dawned, the chief said, 'It is now light enough, we can see to pull out his teeth.' The attack commenced, and many were destroyed. This is the way, says the tradition, in which the great Indian family became divided. Till then they were one people.

"The Wyandots, and the various tribes of the Six Nations, speak dialects having a general affinity; but they require interpreters in their intercourse with one another. The Chippewa, or Algonquin language, is spoken by the Chippewas, Ottawas, Potawatonomies, Sacs and Foxes, Shawnees, Kickapoos, Menomonees, Miamis, and Delawares; and these dialects approximate one another in the order of arrangement, the Chippewa being the standard dialect and the Delaware the most remote. For the three first, no interpreter is required; for the three next, one is convenient but not necessary; and the three last are too imperfectly understood by any of the others to enable them to converse without assistance. There is no doubt that, at the era of discovery, a knowledge of the Chippewa or Algonquin tongue,—for they are the same,—would have enabled a traveler to communicate with all the Indians, except the Wyandots and their kindred tribes, from the Penobscot to the Chesapeake, and from the ocean to Lake Superior.

"The Trans-Mississippi languages are divided into two great families. At the head of one we may place the Sioux, and of the other, the Pawnee. The Sioux language is to the nations west of the Mississippi what the Chippewa is to those east of it. That river is the boundary between these great families; for the Winnebagoes, who live upon the Fox, Ouisconsin, and Rock

ivers, are evidently intruders there. Their hereditary country was in the south-west. Perhaps some branches of the Illinois family lived at a remote period upon the Des Moines. But the exceptions to the general statement are too few to require a specific enumeration. Interpreters are convenient, and in some of these dialects are necessary, for any communication; but we believe unerring traces of the Sioux language will be found in all the dialects, except those of the Pawnee family, extending from the Mississippi to the Indians who roam through the country at the heads of the Missouri and Arkansas, and occupy the passes of the Rocky Mountains.

“In the division of labor among the Indians, the composition and delivery of speeches are not often entrusted to the same person. In all important questions, the chiefs previously assemble and prepare the speech which is to be delivered. And here the influence of talent and authority is exerted and felt. But the public delivery of the speech is a mere act of memory on the part of the orator. The addresses for which Tecumthé has had credit, were prepared principally by Walk-in-the-water, the Grey-eyed-man, and Isidore,—three Wyandot chiefs; and the celebrated remonstrance to Proctor, against his evacuation of the country upon the Detroit river, and in which he was told that he appeared like a dog running off with his tail between his legs, was thus prepared in the house of Mrs. Walker, a respectable half-Wyandot woman, upon whose authority we state the fact. Tecumthé was not an able composer of speeches. We understand that he was particularly deficient in those powers of the imagination to which we have been indebted for the boldest flights of Indian eloquence. He was sometimes confused, and generally tedious and circumlocutory.

“The Prophet, the brother of Tecumthé, was an able coadjutor. His character has not been well understood. He is shrewd and sagacious, and well qualified to acquire an influence over those about him. We are inclined to think, that at the commencement of his career he was a fanatic, who had seen visions and dreamed dreams, and who believed the doctrines he professed and inculcated. This practical conquest of the imagination over the reason is not very rare, even in civilized life; and there is a singular feature in the system of Indian education, by which its occurrence is encouraged and promoted. It is admirably

contrived to render the Indians reckless of consequences, and its influence is not less powerful than the sternest principle of fatalism. The tutelary genii guard the lives of their favorites, and the eagle receives upon his beak the balls of their enemies. The process commences before the age of puberty, and continues for a shorter or longer term, as the revelations are more or less propitious. The appearance of some animals foreshows a happy destiny; while others, and particularly snakes, portends misfortune. When the dreams are fortunate, the discipline is terminated: but when otherwise, it is interrupted, and after some time renewed, with the hope of a more favorable result. If, however, in this hope they continue to be disappointed, their situation is remediless, and they must submit with fortitude to the calamities which await them. Subsequent events in life are materially affected by this process, and vivid impressions are formed, which are never eradicated. This result is produced by a system of watching and fasting, vigorous, painful, and long continued. During this period, which is called the time of fasting, (in the Chippewa, *Makateca*,) many rites are practiced to render the lessons impressive, and to excite the feelings to a proper degree of susceptibility. The guardian *Manitou* finally appears in a dream, assuming the shape of some animal, and is ever after during life the object of adoration. The real or imaginary qualities of this animal, indicate the character and the proper business in life of the dreamer. If it is an eagle, he must be a warrior; if a wolf, a hunter; and if a turkey buzzard, a prophet or physician.

“But to return once more to the book in question. Mr. John Dunn Hunter is one of the boldest impostors that has appeared in the literary world since the days of Psalmanazar. His book, however, is without the ingenuity and learning, which, like redeeming qualities, rendered the History of Formosa an object of rational curiosity. It is a worthless fabrication, and, in this respect, beneath the dignity of criticism; compiled, no doubt, partly from preceding accounts, and partly from the inventions of Hunter. He says he left the Osages in 1816, when he was nineteen or twenty years of age; and, as he recollects the incidents of his capture, he was then probably four or five. He was, therefore, taken about 1800 or 1801; and as the outrage was committed by a party of Kickapoos, the residence of his

father must have been in Indiana or Illinois. His description of the scene shows that it was an act of the most determined hostility. And all this was in a period of profound peace. Such an aggression in 1800, or in 1801, would have electrified the whole country west of the mountains. We have our own distinct recollections, to justify us in saying that no such incident occurred. The Kickapoos were quiet from the signature of Wayne's treaty till the commencement of the difficulties with Tecumthé and the Prophet.

"Hunter proceeds to state, that the party of Kickapoos, who took him, were themselves attacked and destroyed by the Pawnees, into whose possession he then fell. In 1800, and for some time after, not a Kickapoo lived west of the Mississippi. They occupied the plains about the Illinois, and between that river and the Wabash. They are separated from the Pawnees by extensive districts, and by the Osages, Kansas, and Missouri. The Pawnees and Kickapoos have never been brought into contact with each other, nor have they ever been engaged in mutual hostilities. After residing some time with the Pawnees, by a similar freak of fortune, he was thrown into the possession of the Kansas. We have then an affecting description of the 'venerable chief To-hut-che-nau.' Where this *respectable man* lived, except in these pages, we have not been able to ascertain. There never has been a chief of that name known among the Kansas, nor is the word itself, nor anything like it, to be found in the Kansas language. A transfer to the Osages terminated this pilgrimage from tribe to tribe. And with them he continued until his final restoration to civilized life. It was during this period that Tecumthé is said to have made his visit to the Osages, and delivered his celebrated speech.

"The Osage tribe occupy the immense plains extending from the Missouri and the Arkansas to the Rocky Mountains. They are the Ishmaelites of the trans-Mississippi country. Their hand is against every man, and every man's hand is against them. The nations of the Algonquin family,—the Shawnese, Delawares, Miamis, Kickapoos,—and also the southern Indians, have been at war with them for ages. So late as 1818, we witnessed the arrival of a war party of Shawnese, among their own people, from a hostile expedition against the Osages. The scalps which they bore evinced their success, and the shouts of

the multitude left no doubt of the deep interest they felt in the destruction of their enemies. No Shawnese had, in 1812, ever visited the Osages as a friend, nor was Tecumthé ever within many hundred miles of a party of that nation.

“But the most wonderful event in the life of Hunter, is his journey to the Pacific. And wonderful indeed is it, that a party of thirty-six Kansas and Osages should have reached the brink of that distant ocean. No Osages or Kansas ever traversed the Rocky Mountains. Their inveterate enemies—the Alyetons—guard those passes; and even beyond, they must encounter many hostile tribes, before they can reach the ocean. And this desperate expedition was undertaken with no other object, that we can discover, than to indulge in sentimental reflections and descriptions, which are said by the Quarterly to have ‘great simplicity and beauty.’

“Hunter’s impudence is exceeded only by his ignorance. He says: ‘The unbounded view of the waves, the incessant and tremendous dashing of the waves along the shore, accompanied with a noise resembling the roar of loud and distant thunder, filled our minds with the most sublime and awful sensations, and fixed on them, as immutable truths, the traditions we had received from our old men, that the great waters divide the residence of the Great Spirit from the temporary abodes of his red children. We here contemplated, in silent dread, the immense difficulties over which we should be obliged to triumph after death, before we could arrive at those delightful hunting-grounds which are unalterably destined for such only as do good, and love the Great Spirit. We looked in vain for the stranded and shattered canoes of those who had done wickedly. We could see none, and were led to hope that they were few in number.’ All this is clumsy fabrication. The Osages occupy a country of boundless plains. They know nothing of the ocean, nor do they believe that the land of departed spirits is beyond it. The heaven of the Indians is as sensual as the Mahometan paradise; and every tribe places it in situations, and fills it with objects, most familiar and agreeable

‘And thinks, admitted to that equal sky,
His faithful dog shall bear him company.’

The Osages know nothing of canoes, and we have the best of authority for saying, that there is not one in the nation. And

yet their departed friends are sent over an ocean of which they never heard, in vessels such as they never saw!

"Their opinion of the condition of the soul after death, is derived from their habits and modes of life. Their land of spirits is an extensive prairie, peopled with their friends, filled with game, and abounding in all that an Indian can desire. When they are buried, their clothes and other necessary articles are buried with them, that they may not suffer in the country for which they have departed. Every warrior has a horse which is never used but in war. This horse, with his saddle and accoutrements upon him, is brought to his master's grave after death, and is placed directly over it. He is then shot in the forehead, and there left, ready to be mounted by his master, on their arrival in the land of departed spirits.

"We intended to expose Hunter's statements respecting the courtship of the Indians, his trash about their materia medica, and many other topics which he has introduced into his book, but we have exhausted our own patience. It is evident, that the compiler of Hunter's work had examined the preceding accounts of the Indians which have been published; but he was not able to discriminate between the different customs of different tribes, and has, therefore, described the Osages and the neighboring nations as possessing customs of which they have no knowledge. Among others, he speaks of throwing the tomahawk,—a well-known amusement among the northern Indians, but never practiced in the south-west. The pipe tomahawk, which alone they use, is wholly unfit for this purpose. He describes the rifle as the common weapon of men and boys; but that instrument is very seldom used by the Indians of the plains, and, in fact, has not been known among them till within a few years—probably, not one in ten is armed with it. The bow and arrow are their most efficient weapons against the buffalo, and the north-west fusils, as they are called, are the most common fire-arms. He also describes the boys as working with the women—a most disgraceful employment, utterly unknown among the Indians. And he speaks of wild rice, as an article of food, which, in fact, is found in no part of the country where he pretends to have lived. These more minute circumstances he could not mistake, if he described facts only as they existed; and if not, it is in such descriptions that his falsehoods become the most apparent. But one of his grossest

errors relates to the Ottawas. He speaks, in many places of his work, of the Ottawas as a tribe of south-western Indians. He had heard, or his compiler had read, of such a tribe; and they placed it in a most unfortunate situation. There is not an Ottawa west of the Mississippi, nor south of the heads of the Illinois river."

General Cass thought it his duty to expose Hunter's book, because it had gained considerable popularity, and because he thought it was highly important that, if the public could not advance, they should not, at least, go backward, in their knowledge of the history and character of the Indians. The world, he thought, had been amused with fable and fiction long enough on this subject, and it was time to look for facts, or be contented with the limited stock that existed. *To make assurance doubly sure*, respecting the imposture of this fictitious Hunter, he applied to several gentlemen for any information or light they might give him in relation to it. He received the following testimony—copies of the original letters in his possession—from gentlemen of the highest respectability, and whose declarations are entitled to confidence. The first is from General Clark—the companion of Lewis in their adventurous journey to the Pacific Ocean—formerly Governor of Missouri, and, for a long time, Superintendent of Indian Affairs at St. Louis:

"ST. LOUIS, September 3d, 1825.

"SIR:—In answer to your inquiries respecting the man who calls himself Hunter, I have no hesitation in stating that he is an impostor. Many of the most important circumstances mentioned by him are, to my certain knowledge, barefaced falsehoods. I have been acquainted in this country since 1803, and have resided in it since 1807, and, for eighteen years, have been connected with the Indian Department. It is not possible he could have lived with the tribes he mentions, and gone through the scenes he describes, without some knowledge of him, and of his history, having reached me.

"WILLIAM CLARK."

The next letter is from Mr. Vasquez, a sub agent for the Kansas tribe at the time of writing it, and well acquainted with the Indians in that country. He accompanied Pike, in his journey to the Internal Provinces:

"ST. LOUIS, September 3d, 1825.

"SIR:—I have received your note of yesterday. In answer to the inquiries contained therein, I can say that I have been engaged in trade with the Kansas tribe of Indians nineteen years, between the years 1796 and 1824, and that, during the whole of that time, there was no white man a prisoner, of any age or description, among them; nor do I believe that such a circumstance has occurred for the last thirty years.

"BARONET VASQUEZ."

The writer of the next letter, Major Choteau, at its date had more knowledge of the Osages, in the opinion of General Cass, than any man then living. It was owing to his exertions, and those of his brother, that a considerable portion of the tribe separated from the others, and left the Missouri for the Arkansas:

"ST. LOUIS, September 3d, 1825.

"SIR:—In answer to your favor, I have the honor to state that my acquaintance with the Osages has been, since 1775 to this day, in the capacity of trader, agent, or otherwise, and that, during that period, there never was any white boy living or brought up by them. I can further add, that, had this circumstance happened, it could not but have come to my knowledge.

"P. CHOTEAU."

One more letter, written by Mr. Dunn, at its date a member of the Missouri Legislature, and the gentleman whom Hunter stated to have been his great patron and friend:

"CAPE GIRADEAU, September 4th, 1825.

"SIR:—I have the honor to state, in answer to your inquiries on the subject, that I have never known such a person as John Dunn Hunter, the reputed author of "Memoirs of a Captivity among the Osage Indians, between the years 1804 and 1820." I have been a resident, in the vicinity of this place, for the last twenty years, during which time I have never heard of a person, bearing the same name with myself, in this country. I am, therefore, confident that the author alluded to is an impostor, and that the work issued under his name is a fiction; most probably the labor of an individual who has never seen the various tribes of Indians of whom he speaks.

"I can further state that I have known no man of the name of Wyatt in this country, who seems to have been mentioned as one of the friends of Hunter.

"JOHN DUNN."

British writers and British ignorance were prone to misrepresent not only the condition of the Indians, and their true character and disposition, but also the conduct of the American and British governments towards them. Their comparison was invidious, and often the facts cited were sheer fabrications. General Cass saw so much of this obloquy, and felt it too, that he has deemed it an imperative duty to unmask it, whenever a suitable opportunity has been afforded. The subject of our Indian relations was very imperfectly understood thirty years since, even by the mass of the people in this country, and when developed, as they have been from time to time, it is almost unnecessary to add, that they reflect the highest credit on the American government, at the same time they expose not more the unjustifiable measures of the London cabinet than the perverseness of London and Edinburgh writers.

Speaking of the progress of Indian depopulation, General Cass observes: "As long as the destruction of the game was restricted to an adequate supply of the wants of the Indians themselves, it is probable there was little diminution in the number of animals, and that here, as in other cases, population and subsistence had preserved an equal ratio to each other. But when the white man arrived, with his cloths, guns, and other tempting articles, and the introduction of new wants drove the Indians to greater exertions to supply them, animals were killed for their furs and skins. An important article of exchange was made known to the Indians, which they were stimulated to procure, and an alarming declension became visible in the animals essential to their support. Their population, scanty as it was, soon began to press upon their means of subsistence, and the operation of these causes was accelerated by the introduction of fire-arms, and the consequent facility afforded for destroying game. The occupation of the hunter ere long became laborious, and his labor was rewarded with diminished success. He found the means of supplying his family decreased, as their attachment to the articles brought among them, and their wants, increased. Game became less abundant, and receded from the circle of destruction, which advanced with the advancing settlements.

“We are satisfied that this cause has had a strong influence in reducing the Indian population. Its operation has been aided by other circumstances: by the small pox, whose ravages have been sometimes frightful, and by ardent spirits, which have prostrated the mental and physical energies, and debased the character of the Indians, in the immediate vicinity of the white settlements; but whose general effect, we are strongly inclined to believe, has been greatly over-rated. Among the remote tribes, spirits are scarcely ever seen, and they do not constitute an article of general use even among those who are much nearer to us. The regulations of the government are such, and they are so rigidly enforced, that the general introduction of spirits into the Indian country is too hazardous for profitable speculation. Nor could it bear the expense of very distant transportation; for, if sold and consumed, a corresponding reduction must be made in clothing, guns, powder and ball—articles essential to the successful prosecution of their hunting expeditions, and without which, the trader would soon find his credits unpaid, and his adventure equally ruinous to the Indians and himself.

“But their own ceaseless hostilities, as indefinite in their objects as in their duration, have, more than any other cause, led to the melancholy depopulation, traces of which are everywhere visible through the unsettled country; less, perhaps, by the direct slaughter which these hostilities have occasioned than by the change of habits incident to their prosecution, and by the scarcity of the means of subsistence which has attended the interruption of the ordinary employments of the Indians. There is reason to believe that fire-arms, by equalizing the physical power of the combatants, have among these people, as in Europe, lessened the horrors of war.

“The Indians in that extensive region, (beyond the Mississippi,) are to this day far beyond the operation of any causes, primary or secondary, which can be traced to civilized man, and which have had a tendency to accelerate their progressive depopulation. And yet their numbers have decreased with appalling rapidity. They are in a state of perpetual hostility, and it is believed there is not a tribe between the Mississippi and the Pacific which has not some enemy to flee from or to pursue. The war-flag is never struck upon their thousand hills, nor the war-song unsung through their boundless plains.

“We have only stated a few prominent facts; but, were it necessary, many others might be added, to prove that the decrease in the number of the Indians, whatever it may be, has been owing more to themselves than to the whites. To humanity it is indeed consolatory to ascertain, that the early estimates of aboriginal population were made in a spirit of exaggeration; and that, although it has greatly declined, still its declension may be traced to causes which were operating before the arrival of the Europeans, or which may be truly assigned, without any imputation upon the motives of the first adventurers or their descendants.

“But after all, neither the government nor the people of the United States have any wish to conceal from themselves, nor from the world, that there is upon their frontiers a wretched, forlorn people, looking to them for support and protection, and possessing strong claims upon their justice and humanity. These people received our forefathers in a spirit of friendship, aided them to endure privations and sufferings, and taught them how to provide for many of the wants with which they were surrounded. The Indians were then strong, and we were weak; and without looking at the change which has occurred in any spirit of morbid affectation, but with the feelings of an age accustomed to observe great mutations in the fortunes of nations and of individuals, we may express our regret that they have lost so much of what we have gained. The prominent points of their history are before the world, and will go down unchanged to posterity. In the revolution of a few ages, this fair portion of the continent which was theirs has passed into our possession. The forests which afforded them food and security, where were their cradles, their homes, and their graves, have disappeared, or are disappearing, before the progress of civilization. We have extinguished their council fires, and plowed up the bones of their fathers. Their population has diminished with lamentable rapidity. Those tribes that remain, like the lone column of a fallen temple, exhibit but the sad relics of their former strength; and many others live only in the names which have reached us through the earlier accounts of travelers and historians. The causes which have produced this moral desolation are yet in constant and active operation, and threaten to leave us, at no distant day, without a living proof of Indian sufferings, from the Atlantic to the immense desert which sweeps along the base of the Rocky

Mountains. Nor can we console ourselves with the reflection, that their physical declension has been counterbalanced by any melioration in their moral condition. We have taught them neither how to live nor how to die. They have been equally stationary in their manners, habits, and opinions; in everything but their numbers and their happiness; and although existing more than six generations in contact with a civilized people, they owe to them no one valuable improvement in the arts; nor a single principle which can restrain their passions, or give hope to despondence, motive to exertion, or confidence to virtue."

CHAPTER XII.

The Year 1826—General Cass again Traverses the Lakes—Holds an Indian Council at Fon du Lac—Indians Appear with the British Flag—A Treaty Concluded—Repairs to the Wabash—In Council with Pottawatomies and Miamis—His Speech to Them—Concludes Treaties—The Legislature—Territorial Boundaries—The Message—Accountability of Public Officers—Qualifications Requisite—Democratic Tone of his Messages.

The year 1826 was a busy year for General Cass. In addition to the ordinary duties of his Indian Superintendency, he was requested by the War Department again to traverse the lakes, and meet the Chippewas of the extreme north-west in council at Fon du Lac. This place was an old Indian trading post, situate on the St. Louis river, and five hundred miles distant from Sault St. Marie. With Thomas L. McKenney, who was Associate Commissioner, he proceeded on his mission in July. As usual traveling in his bark canoe, the voyage occupied eighteen days, and much tempestuous weather and high seas were experienced. Upon reaching the treaty ground, he found two thousand Indians assembled to meet him. The chiefs who were there appeared with the British flag, and with British medals suspended from their necks. This was annoying, but the council proceeded; and on the fifth of August a treaty was concluded and signed, the great object of which was to remove the causes of contention between the various tribes as to the limits of their hunting grounds. Upon the conclusion of this treaty, General Cass directed one of his attendants to take the flag and medals from the chiefs. When this was done, he very coolly placed the flag and medals under his feet, and told the chiefs that when he returned he would give them the flag and medals they were to use. This was a bold act on the part of the Commissioner, but it impressed the Indians with his courage, and made them listen more attentively and favorably to his views and advice. This duty performed, and returning to his home, General Cass repaired to the Wabash, to negotiate with the Miamis and Pottawatomies, in October following. He opened this council with the delivery of the following

speech, and which is a fair specimen of the style and manner of his intercourse with the Indians on similar occasions :

“ MY CHILDREN—POTTAWATOMIES AND MIAMIS :

“ We thank the Great Spirit that he has opened the paths to conduct us all here in safety, and that he has given us a clear sky and a cloudless sun to meet together in this council-house. Your great father, the President of the United States, has sent me, together with the two gentlemen who sit with me, to meet you here upon business highly important to you, and we request that you would open your ears, and listen attentively to what we have to say to you.

“ When the Great Spirit first placed you upon this island, he gave you plenty of game for food and clothing, and bows and arrows with which to kill it. After some time, it became difficult to kill the game, and the Great Spirit sent the white man here, who supplied you with guns, powder, and balls, and with blankets and clothes. We were then a very small people ; but we have since greatly increased, and we are now spread over the whole face of the country. You have decreased, and your numbers are now much reduced. You have but little game, and it is difficult for you to support your women and children by hunting. Your great father, whose eyes survey the whole country, sees that you have a large tract of land here which is of no service to you. You do not cultivate it, and there is but little game upon it. The buffalo has long since left it, and the deer are going. There are no beavers, and there will soon be no other animals worth hunting upon it.

“ There are a great many of the white children of your father who would be glad to live upon this land. They would build houses, and raise corn, and cattle, and hogs. You know that when a family grows up and becomes large, they must leave their father's house and look out for a place for themselves—so it is with your white brethren. Their family is increased, and they must find some new place to move to. Your great father is willing to give for this land much more than it is worth to you. He is willing to give more than all the game upon it would sell for. He will make you a considerable present now, and he will allow you an annuity hereafter. You know well that all he promises he will perform.

“The stipulations made to you heretofore are punctually fulfilled. Large annuities in specie are paid to you, and they are sufficient to make you comfortable; much more so than you were before the treaty of St. Mary’s. Your great father is not only anxious to purchase the country of you, but he is desirous that you should remove far from his white children. You must all see that you can not live in the neighborhood of the white people. You have bad men, so have we. Your people will steal our horses, kill our cattle and hogs, and commit other injuries upon our property. Some of our people who have committed crimes escape into your country, and it becomes difficult to take them. Besides, when you divide our settlements, we can not have roads, and taverns, and fences. The game, too, dies before our improvements, and when that goes, you must follow it. But above all, your young men are ruining themselves with whiskey.

“Since within the recollection of many of you, your numbers have diminished one half, and unless you take some decisive step to check this evil, there will soon not be a red man remaining upon these islands. We have tried all we could to prevent you from having this poison, but we can not. Your bad men will buy, and our bad men will sell. Old and young among you will drink. You sacrifice your property, you abandon your women and children, and destroy one another. There is but one safety for you, and that is, to fly from this mad water. Your father owns a large country west of the Mississippi; he is anxious that all of his red children would remove there, and sit down in peace together. There they can hunt and provide for their women and children, and once more become a happy people. We are authorized to offer you a residence there equal to your lands here in extent, and pay you an annuity which will make you comfortable, and provide means for your removal.

“You will there have a country abounding with game, and you will also have the value of the country you leave. You will be beyond the reach of whiskey, for it can not reach you there. Your great father will not suffer any of his white children to reside there, for it is reserved for his red people. It will be yours as long as the sun shines and the rain falls.

“You must go before long—you can not remain here—you must remove or perish. Now is the time for you to make a good bargain for yourselves which will make you rich and comfortable.

"Come forward, then, like wise men, and accept the terms we offer. We understand there is a difference of opinion between Pottawatomies and Miamis, respecting their claims to this land. This difference we should be glad to have you settle among yourselves. If you can do this, it will be well, if not, we shall examine into the circumstances and decide between you."

The preceding was written, and was read by sentences to the interpreter, Mr. Barrow, who delivered it to the Indians; to this followed a few extempore remarks by General Cass, namely:

"Mr. McCoy, whom you know is a good man, will go with you over the Mississippi, and continue to live among you. You know him to be a good man, and a sincere friend to you, and would not advise you to do any thing that would be an injury to you. You stand alone—there is none to support you—the Shawnees and Delawares are all gone. You have been invited by your great father, the President, and are now sitting around our council fire, in our council house, and under our flag. Your young men are not always prudent, they will drink and quarrel; we hope the old and wise men will keep the young men from doing any injury. If blood should be shed at our council fire, we never should forgive it,—we have the will and power to punish it.

"Your great father has a quick ear, a sharp eye, and a long arm. If a Pottawatomie strikes a Miami, or a Miami strikes a Pottawatomie, he strikes us,—no matter where he goes, we promise here before our brethren, red and white, we will never kindle another council fire, nor smoke another pipe, before we punish him. Your young men must listen to what the chiefs tell them. They should do as in former days, when chiefs had power and the young men were wise,—let them clear out their eyes, and let the words I have spoken go to their hearts.

"You now have the proposition we were authorized to make you. We wish you to remember it, and think upon it, and return us an answer as soon as possible. When you are ready, let us know it, and we will hoist the flag, which shall be the signal that we are ready to receive your answer."

The Pottawatomies came to terms first, and a treaty was signed with them on the sixteenth of October. The Miamis came forward and concluded a treaty on the twenty-third of the same

month. The written speech read at this council is familiarly known as "The Mississinawa Speech," and was highly applauded throughout the United States.

In November the legislature again convened; and notwithstanding the Indian Superintendency had this year occupied much of the thoughts and time of General Cass, yet he had steadily kept in view, at the same time, the great interests of Michigan, and was prepared to advise the council of what these interests required at their hands. Unlike the civil jurisdiction of older settled countries, he not only was called upon to administer the laws, but it was necessary to look forward into the future, and judge as well of the future as of the present wants and requirements of the Territory. Among the principal topics to which he called their attention, was the dividing limit between Michigan and the contiguous States of Ohio, Indiana, and Illinois. In defining the State limits of Ohio, Congress had overlooked the rights of Michigan.

The southern boundary of the latter was a line running due east from the southern extremity of Lake Michigan to Lake Erie, as defined by the authority of the United States. The Legislature of Ohio contended that this line was declared to be the northern boundary of Ohio by Congress in 1802, and was accepted by their people, with this provision, however, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect this lake east of the mouth of the Miami river, then in that case, with the sanction of Congress, the northern boundary of the State should be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of Miami Bay, after intersecting the due north line from the mouth of the Great Miami; thence north-east to the territorial line, and by said line to the boundary of Pennsylvania.

Upon this subject,—fraught with so much importance to the people of his jurisdiction,—General Cass dilated with perspicacity, being perfectly familiar with every page and line of congressional enactments relating to it. He considered the action of Ohio as wrong, and an indefensible encroachment upon Michigan. He apprised the council and the people of their rights, and of the true limits of the Territory; and the information

thus embodied remained for reference and unimpeachable evidence in the public archives. All subsequent action on this important subject was guided by this information; and the people of the Peninsular State adhered to it in their feelings with as much devotion and sacredness as did the people of Israel to the sayings of Moses.

“The Legislature of the State of Ohio,” says he, in his revered message of November, 1826, “has contended that the northern boundary of that State is a line run directly from the southern extreme of Lake Michigan to the north cape of Miami Bay. The line actually run under the authority of the United States, and in conformity with the various acts of Congress upon the subject, commences at the southern extreme of Lake Michigan, and proceeds due east to Lake Erie. The country north of that line, and bounding upon Ohio, is subject to our jurisdiction, and that jurisdiction can only be changed by the authority of the general government. A resolution was introduced into Congress, at the last session, but not acted on, to provide for a cession to Ohio of the country claimed by her. Although I consider the right of this Territory too clear to be shaken, and that our interests are safe where alone they can be affected, still the expression of your sentiments upon the subject would be useful in the discussion it may produce, and I suggest the expediency of your interference.

“With Indiana, also, our boundary is unsettled. The ordinance of Congress of July 13th, 1787, which formed the basis of the governments north of the Ohio, provided that a line, to be run due east and west from the southern extreme of Lake Michigan to Lake Erie and the Mississippi respectively, should be the boundary between the States upon the Ohio, and those north of them, if Congress should find it expedient to establish more than three States. The power, thus vested, has been exercised by the admission already of three States into the Union, and, by the existing provision, for the admission of, at least, one more. The original arrangement of this matter is in that part of the ordinance which is declared to be a compact, and unalterable but by mutual consent.

“Virginia, by her act of cession, was a party to the arrangement, and her consent, as well as that of the States and Territories to be affected, is essential to the validity of any change in this instrument. The boundary of Indiana has been extended ten miles north of this line, and, as the consent of the proper parties

has never been given to this measure, we have a right to expect that our just claims will yet be regarded.

“In like manner, the boundary of Illinois has been extended to the parallel of forty-two degrees thirty minutes, probably forty miles north of the line established by the ordinance. How the claims of this Territory to the country that severed from it, can be best enforced, and what time it may be expedient to urge them, I leave for you to determine.

“But there is a question connected with the existing jurisdiction of Illinois, which the interests of an important section of country demand should be settled without delay. The parallel of forty-two degrees thirty minutes probably intersects the Mississippi in the vicinity of the Riviere aux Fievre. Upon that stream, as is well known, there are various lead mines, to which the Indian title has been extinguished, and which are now profitably and extensively worked. A considerable population is now engaged in this business, much of which, there is little reason to doubt, is in the county of Crawford. Illinois has recently extended her jurisdiction over this settlement, and difficulties have already occurred in the execution of process which threaten serious consequences. It is desirable that provision should be made by Congress for running the temporary line, if the boundary can not be definitively settled, and it would, doubtless, promote the accomplishment of this measure, should you express your views on that subject in a memorial to that body.”

Years afterwards, after repeatedly, in conventions, solemnly resolving that the boundary between Ohio and Michigan was truly set forth by General Cass, the people, in pursuance of the express requirement of the general government, as a condition precedent to admission into the Union as a State, and by the advice of him who penned the foregoing, as the least of two evils and wrongs, consented to a modification, and accepted from Congress the following boundary:—The northern boundary line of the State of Ohio shall be established at, and shall be, a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee (Miami) Bay, after that line, so drawn, shall intersect the eastern boundary line of the State of Indiana, and from the said north cape of the said bay north-east to the boundary line between the United States and the province of Upper Canada, in Lake Erie; and thence, with the said last

mentioned line, to its intersection with the western line of the State of Pennsylvania.”

But the message of November, 1826, was deeply interesting in other respects. The accountability of public officers to the people was treated of clearly, and the applicability of the views presented is not circumscribed to State or Territorial limits. They are in strict consonance with those promulgated in 1801, and worthy of the school of which General Cass was so distinguished a disciple. He assumed the position that the purity of government, and the incorruptibility of all its officers, was in proportion as they were closely or remotely connected with the people. “I have heretofore submitted to the Legislature my views in relation to the establishment of a system of township government; but I deem the subject so important that I must again recommend it to your attention. These institutions have, elsewhere, produced the most beneficial effects upon the character of the community, and upon the general course of public measures. They embrace within their scope those questions of local police which are interesting to every citizen, and which every citizen is competent to discuss and determine. In the more extensive concerns of a country, the necessary regulations for these subordinate matters can not be adopted and enforced. Besides, in proportion as all governments recede from the people, they become liable to abuse. Whatever authority can be conveniently exercised in primary assemblies, may be deposited there with safety. They furnish practical schools for the consideration of political subjects, and no one can revert to the early history of our revolutionary struggle without being sensible that to their operation we are indebted for much of the energy, unanimity, and intelligence which were displayed by our government and people, at that momentous crisis.” And again, in a special message twenty days afterwards: “The act of Congress, changing the mode of appointment to office in this Territory, by requiring that nominations should be made by the Governor to the council, and the act of the Territorial Legislature limiting the tenure of certain offices, have made important changes in this branch of our local government. It appears to me proper, on the first occasion of a general appointment to office, that I should submit to you principles by which I shall be guided in the discharge of that portion of the duty which is entrusted to me.

“It is necessary that all persons bearing office should possess

the proper qualifications, and enjoy the confidence of the community. Wherever either of these requisites is wanting, the office will be executed with diminished usefulness. It is not possible that the comparative claims of all who are proposed, or who are applicants, can be known to the nominating power. He must proceed upon such information as may be given to him. The authority is vested in him, not for his own sake, but for that of the community. I have always considered myself, in the execution of this duty, a trustee for the public, called upon to perform a specific act, in which they alone were interested. There are circumstances connected with the nature and duties of certain offices, and with the exercise of public suffrage, which render it inexpedient that all appointments should be filled by popular elections. Where, however, this authority can be deposited with most safety, is a political problem, respecting which much difference of sentiment has prevailed in the United States. Latterly, the opinion has gained ground that the constitution of the general government furnishes the best model for imitation, and that the right of confirmation or rejection, vested in a representative body, afforded the greatest security which can be devised for the prudent exercise of this power. An elective body is too often without responsibility, and a single individual without control. By uniting the advantages of both, we provide, as far as human institutions can do, against the abuse of this delegated authority.

“An expression of the public opinion ought to have great weight in all nominations to office. Where it is unanimous or uncontradicted, it should be conclusive. In county offices, newly created or occasionally vacated, where the citizens assemble upon proper notice, and without any concealment, and, by the form of an election, recommend a person to office, I can conceive few reasons which would justify the neglect of such an application. The process appears to me as little liable to objection as any other by which the qualifications of candidates can be ascertained. But, the practical difficulty is, that there is frequently such a contrariety of sentiment, that no general opinion can be collected. Counter meetings are held, and remonstrances transmitted, and different names are presented to the Executive for each office, supported by the recommendation of respectable citizens. Under such circumstances, there is but a choice of difficulties, and a selection must be made as the facts in each

case may seem to require. I sincerely trust, when any of our fellow-citizens find the person recommended by them has not received the office applied for, they will attribute the result to the duty of examining the whole ground, and of attending to all the representations which may be made, and not to the slightest disregard of their wishes or opinions. It is a task which, however it may be executed with delicacy, must yet be executed with firmness."

On another occasion — "At the late session of Congress, an act was passed, extending to the citizens of Florida and Arkansas the privilege of choosing almost all their officers holding their offices under Territorial laws; and authorizing the local Legislature to appoint the few not eligible by the people. I see no reason why the principles of this act should not be extended to this Territory; and I submit for your consideration the expediency of an application to Congress for that purpose. It will be found that appointments to office thus made, will be more satisfactory than when they are made upon the nomination of a single individual. The people in their respective counties are better acquainted with the qualifications of candidates for county offices, than an executive magistrate can be, and more competent to determine upon them. This measure would give to the people a direct and proper influence in the management of their affairs—an influence which, at all times, ought to be exerted in a republican government, and which will be more fully exerted in that change in our political condition to which we are rapidly approaching."

A more complete commentary upon the theory and practical applicability of power never was written. General Cass had the candor and ability so to define his sentiments, upon the manner in which the delicate trust of appointments should be executed, that he who runs may read and understand. And what is of infinitely greater moment, he conformed his executive conduct to the principles he so perspicuously enunciated. The people over which he ruled so many years, understood, in advance, what to expect of their Chief Magistrate. How well he served them, and how perfectly satisfactory, the business, population, and opulence of the State, and their continued evidences of approbation, most abundantly prove.

In all his public action with the legislative department of the government, he was controlled in a great degree by the old

maxim, "the world is governed too much." He was opposed to ill-advised and frequent legislation. When a law was once deliberately enacted, his disposition was to give it a fair trial; and, at any rate, not to engraft amendment upon amendment, unless it was evident that the tree, at its base, was, beyond peradventure, sound enough to sustain all the branches. In his own language—"Our code of laws must accommodate itself to the progress of our institutions, and to the more important changes in public opinion. A little observation and reflection, however, will satisfy us, that in the United States, generally, legislative experiments have been made too frequently, and with too much facility. Laws are no sooner known, than they are repealed. Important innovations are made upon established principles; and experience, the only sure test in matters of legislation, soon demonstrates their inefficacy, and they give way to some statutory provision. I trust that a character of permanency will be given to the laws you are about to revise; and that after engrafting upon them such provisions as have been found salutary, they will be left to operate until our legal institutions shall be matured by time and experience."

And now, whoever shall take the trouble to look over the laws of Michigan, as found upon the pages of her statute books, will not fail to discover two prominent characteristics standing out in bold relief, namely: uniformity, but precious little legislation upon the same point, and a democratic tone and spirit pervading the whole. And with the above sentiments safely deposited among her public records, it surely will not be deemed fanciful, to attribute to them these results in her legislative history. Undoubtedly, she has had other Solons, whose profound wisdom and unerring sagacity have been felt in all her councils and deliberations; but it ought not to be deemed invidious to say, that the volume of impartial history points to one greater than all—to him who was her Governor for eighteen consecutive years.

CHAPTER XIII.

Another Negotiation with the Indians—Journey to Lake Winnebago—Hostile Feeling among the Winnebagoes—Descends the Wisconsin—Personal Danger at an Indian Village—Providential Escape—Attack on the Miners—War Messages—General Cass organizes the Miners for Defense—Alarm at Fever River—He hastens to St. Louis—General Atkinson orders on Troops—Rapidity of General Cass' Movements—Arrival at Green Bay—Treaty of Butte de Morts—Singular Occurrence—Cause of Indian Difficulties—British Agents—The North American Review—Article of General Cass.

In the month of June, 1827, General Cass, with Colonel McKenney as his associate Commissioner, left his home in Detroit, for another negotiation with the Indians, at Lake Winnebago. This time, he was to meet in council the Chippewas, the Menominees, and Winnebagoes; and his instructions from the War Department were, to establish the boundary line between the tribes, as agreed upon at the treaty of Prairie du Chien, and to define the boundaries of the lands set apart to the New York Indians. On his arrival at Green Bay, he did not find the Winnebagoes, who were to be parties to the contemplated negotiation. It was rumored, that they were making efforts to enlist the Pottawatomies to join them in a war of extermination.

The council was opened, and while holding it with the Indians at that place, a runner came in with the startling intelligence, that the Winnebagoes, who were expected, instead of attending, had broken out into hostilities, and had actually attacked the settlements. At that time, the communication between Green Bay and Prairie du Chien, upon the Mississippi river, where these events were passing, was by water up the Fox river about two hundred miles to the portage, thence across to the Wisconsin and down that stream to the Mississippi, which it enters three or four miles below Prairie du Chien. General Cass embarked in a birch canoe with fifteen paddles to visit the scene of difficulty, and to take such measures for the protection of the people and for restraining the Indians as might be found necessary. He ascended the Fox river, crossed the portage, and descended the Wisconsin about ninety miles; there he met a boat coming up, belonging to the American Fur Company, with some of their

traders on board, from whom he first learned the true state of things, which was more alarming than he had anticipated. The Winnebagoes had struck at some of the settlements about the Prairie, and fire and blood had, as usual, marked their course. They were at open war, and preparing to attack the frontiers, where the alarm was naturally very great. Some of these traders were intelligent men, well acquainted with the Indians, and enjoying their confidence, which was proved by the fact that they were permitted to proceed with their party upon their voyage without molestation, for the Indians feel much kindness towards the traders who treat them well. They urged General Cass not to proceed farther, but to turn back, as he had no force, and his position would be a very dangerous one. They said the Winnebagoes told them that they should shut up the portage path, and that no other boat after theirs should pass. However, General Cass felt that he could not yield to these representations, though he felt their weight, but he felt also the necessity of continuing his mission at all hazards, as the consequences were all important to that district of country. The traders told him that the hostile Winnebagoes were encamped upon a high prairie some thirty miles lower down. Approaching the place indicated, the Indians were seen from the canoe to be in an evident state of agitation, moving rapidly about and watching the descending party. The flag of the United States was flying from the canoe, and though the Indians did not know who was in it, they saw at once that the movement was an uncommon one, and that probably some public officer was on board. General Cass directed the boat to approach the shore as near as possible, and then debarking with his interpreter and secretary, he ordered the crew to paddle out into the middle of the stream, and there to await the result. He then ascended the high bank where the Indians were assembled, and the first thing which struck him was the sight of the squaws and children who were running away across the prairie. It is always a bad sign with the Indians when their women and children flee from the meetings which they hold with the white man.

On approaching the Indians, they received General Cass coldly, but without any direct demonstrations of hostility. Some of the chiefs had been in council with him and knew him, and all of them soon learned that he was their American father, charged, under their great father the President, with all the business

between them and their white brethren. A conversation took place, and after awhile the pipe, that indispensable instrument of consultation, went around, and they seemed to be a good deal mollified. General Cass remonstrated with the chiefs in a firm tone against their dangerous proceeding, and stated their inevitable destruction, should they continue in their course. He invited them to come to Green Bay, where a council was then sitting, and if they had any just causes of complaint, he requested them to make them known to the commissioners, and assured them that justice should be done to them. An hour or two was spent in this intercourse, and the elder chiefs evidently became impressed with the conviction that they had placed themselves in a dangerous position, and they promised to do all they could to restrain their young men, and also that they would attend the council at Green Bay. The interview seemed to pass off well, and the conduct of the Indians, so far as came within the observation of General Cass, was respectful. The young men surrounded the chiefs, listening attentively in the usual Indian manner, but without saying a word. They always evince on these occasions great deference, the effect of which is, however, destroyed by the first impulsive movement. When General Cass had taken leave of the chiefs, and turned away from them, a young man suddenly leveled his gun at him and pulled the trigger, but luckily it missed fire. He was immediately seized by the chiefs, and his gun taken from him. It was obvious that the chiefs were afraid to commit an act so flagrantly hostile as would have been the murder of the representative of the United States in one of their councils, and therefore instantly arrested the act of the young man. The party re-embarked in their canoe, and continued their voyage to Prairie du Chien, which they reached without further accident, though several parties of hostile Winnebagoes were roaming about. At the Prairie General Cass found the inhabitants in the highest state of alarm, having resorted to the old unoccupied fort. He took such measures as were in his power to provide for the immediate danger and to organize the people for their defense, and he promised them to repair with all speed to St. Louis, and there to place himself in communication with the Superintendent of Indian Affairs and with the general commanding the troops of the United States, and to have a force sent up without delay for their relief. At Fever river, now

Galena, the miners had been driven in and the settlements broken up. Boats upon the Mississippi had been attacked, and the danger was rapidly spreading. General Cass stopped at Fever river, where the inhabitants were assembled. He gave them his advice, and explained to them his mission. At that time, on the right bank of the Mississippi, down to the Missouri line, there were no settlers, and but few on the left bank. On a recent excursion to Rock Island and Burlington, on the opening of a railroad, General Cass adverted to the wonderful difference he found in the condition of the country after an interval of twenty-eight years,—a change which resembles rather the dreams of an Eastern imagination than the sober realities of actual life. Arrived at St. Louis, the necessary arrangements were immediately made for the protection of the frontier, and a force was dispatched which reduced the Winnebagoes to obedience. From St. Louis General Cass ascended the Illinois in his canoe and passed into Lake Michigan, by the water communication, without leaving it. At the head of the Des Plaines, a branch of the Illinois which approaches near Chicago, is a shallow lake, appropriately named Mud lake. The party entered it towards evening, and it soon became so dark that they could not discern the bank. The lake was covered with the broad leaves of a kind of lily, favorite haunts of disgusting looking water snakes. A birch canoe can not touch the shore without danger of having a hole broken through its slight material. It is brought near the land, and there retained while the passengers disembark, and this is effected by their being carried ashore upon the backs of the voyageurs. And in the same manner is the freight disposed of. The canoe is then taken from the water and carried by the men upon the land. Finding they could not get to shore safely, the party spent the night upon that slimy sheet of water. Eighteen men in a small canoe, in a hot summer night, with the poles stuck into the mud across the canoe to steady it, accompanied with the most intense rain and with the most intense thunder and lightning,—such are the reminiscences which belong to that memorable night. And he who was not there, or has never been in such a place, if such another place there is, has little conception of what a formidable enemy a mosquito can be. During that long night,—long in suffering, though short in the calendar, for it was in the month of July,—their venomous attacks were beyond the power of

description. As soon as the dawn of day enabled the party to discern the surrounding objects, the anchor poles were taken from the mud, and the voyage was resumed. A small branch of the Chicago creek takes its rise close to this Mud lake, and the whole region being flat and marshy, when the waters are high this creek flows back into the lake, and thus a communication was formed by which boats passed from the Des Plaines, which runs through the lake, to the Chicago creek, and of course to Lake Michigan. This channel of communication, though almost shut up by the rank water vegetation, was found in the morning, and the travelers entered it, and as the descent to Lake Michigan is rapid, and the distance but a few miles, that space was soon passed over, and the canoe rested upon the broad bosom of that great lake. The magnificent city which occupies the junction of the Chicago creek and the lake, and of miles around, had then no existence. The white man was not there with the power and the desire to change everything around him. There were no troops, and but few families, and these were connected with the Indian trade. They were of course exposed at all times to the sudden hostility of the Indians. As the canoe approached their cabins at the mouth of the creek, the voyageurs commenced their songs, and these were heard by the traders and at first mistaken for the shouts of the Indians. Knowing that the times were dangerous, they were at first in great fear, being entirely destitute of the means of resistance, but they were soon and happily re-assured by the sight of our flag and by the arrival of the canoe, and it was with demonstrations of the liveliest joy that they received General Cass upon the bank.

In the almost fabulous progress of our country, there are few greater marvels than the change which a few years has wrought by the building up of the great city which now occupies that spot, then so lonely and exposed. It is difficult to conceive that but the other day, as it were, silence and solitude spread over all those regions, interrupted only by the Indian, or by the wild animals, his co-tenants of the forest, whom God has given to him for his support.

From Chicago to the point of departure at Green Bay, the voyage was upon Lake Michigan, and was happily terminated after a rapid passage.

General Cass made the trip from Prairie du Chien to St. Louis

in six days, notwithstanding the stoppage at Fever river—the shortest time then known.

Great anxiety was felt at Green Bay, in the meantime, for the General's safety, rumors having reached there that he had been massacred by the Indians, on his way down the Wisconsin river. As soon as the troops left St. Louis, he set out on his return to Green Bay, by the way of the Illinois river and Lake Michigan, in the same canoe, and reached the treaty ground in safety, having traveled a circuit of about eighteen hundred miles, with unprecedented rapidity. His celerity of movement, and the alacrity with which the United States troops responded to his call, probably averted a war that might have embraced the whole north-western frontier. He met now, at the treaty ground, a large body of Indians, reputed to number three thousand. These he addressed, advising them to preserve the peace, but taking good care to let them know that, if they wanted war, they would find their great father prepared for them.

General Cass having, in some degree, allayed the excitement, and, by bold measures, awed them into apparent friendship, proceeded with the council, and the commissioners concluded a treaty on the fifteenth of September, at the Butte de Morts—Hillock of the Dead. By it, a division line was agreed upon, between the Chippewas and the Menominees; also, he obtained a cession of the Green Bay reservation, and the determination of its boundaries; and to the United States government was referred the matters in dispute between the Menominees and the New York Indians. As the Indians were preparing to leave the treaty ground, their attention was suddenly arrested by the wild and startling scream of a squaw. She had been stabbed by her husband, for attempting to prevent him from parting with the supplies given to him for whiskey. General Cass promptly ordered him into custody, and made arrangements to punish him. To the inquiry, What should be done with the man, General Cass replied: "We will make a woman of him." He adopted this mode of punishment as it was regarded by the Indians as the most degrading they could suffer. The infliction of this punishment occurred as follows:

The Indians were all assembled together around the Butte de Morts, the women and children in front. The culprit was then brought before them, and General Cass, through an interpreter,

explained to them what he was about to do. He spoke to them of the kind intention of the squaw; of her object in attempting to preserve their provisions and clothing from the grasp of the heartless whiskey dealer; that the man had struck her with his knife, and, if others had not interfered, would have taken her life; that the man who could do that to a helpless squaw, was unfit to rank among braves, and was no longer a man. The warriors were indignant at this interference of the General, and a desire was manifested by them to resist his orders. But he proceeded unmoved in the performance of the ceremony. The Indian was deprived of his leggins and ornaments; his knife taken from him, the blade broken off, and the handle returned to him. A dirty petticoat, procured from an old squaw, was then put on him, and, thus dressed, he was led through the crowd, and pronounced henceforth "a woman." This sentence was far more terrible to the culprit than death itself. Henceforth he could not associate with the braves of his tribe, and he was subject to all the drudgery and servility common to the squaws.

In the course of two months, occupied on business relating to this movement of the Indians, and making this treaty, General Cass traveled over three thousand five hundred miles, arriving at his home the latter part of August; but only to set out, in a few days, to negotiate again with the Pottawatomies. On the nineteenth of September he concluded a treaty with the Pottawatomies living in St. Joseph county, Michigan, obtaining a cession of their lands for building a military road from Detroit to Chicago.

The Indian troubles of this year are attributable to the withdrawal of the troops from most of the military posts in the Indian country. Prairie du Chien, the seat of the outbreak, was a small settlement, surrounded by the Sacs, Foxes, Winnebagoes, and Sioux, and without a soldier to protect it; and, as we have seen, the inhabitants themselves without weapons of defense. A military force was obviously proper and necessary, but it was removed up the Mississippi to St. Peter's. The western people, well aware of the insolence of the Indians when no force was near to chastise it, had memorialized Congress upon this subject, but hitherto to no purpose, for the senior Major General favored another policy. He would have a cordon of military posts and establishments on the exterior instead of the interior, thereby leaving the most settled and frequented portions of the country exposed to the attacks of

the savages, as their caprice might dictate. General Cass, in a memorial, had reviewed the whole ground, and showed how indispensable it was to the defense of the frontier, to the maintenance of our rights, and the protection of our citizens, to foster a policy of systematized and thorough defense by the construction of military roads, and the erection of suitable and permanent defenses. At this period, exclusive of the Indians on Lake Superior and the head waters of the Mississippi, there were, within the Territory of Michigan, more than twenty-eight thousand Indians; and, what was of far more consequence, over them the Indian agents of the British government exercised an influence incompatible with the honor of the American government, and injurious to the peaceful interests of the inhabitants of Michigan. Detroit, Mackinaw, Chicago, and Prairie du Chien were wholly destitute of any military force. The experience of this year, however, served to confirm the authorities at the federal capital that General Cass knew what he was talking about, and fully posted as to the interests and duty of his government, and, in some measure, corrected the evil of abandonment, and induced a re-occupation of the deserted posts at Chicago and Prairie du Chien.

In consequence of this apparent indifference manifested by the government, not only the people most interested began to exhibit uneasiness, arising from fear that they were to be deprived of the protecting arm of the War Department, but a wrong impression was gaining ground among the people of the older States, in relation to the number and character of the Indians. Stories were industriously invented and circulated by British agents, that it was out of the question to think of bringing them into friendly relationship with the whites. This had the effect to retard emigration, which was now setting towards the west from the Middle States, and from the extreme east. The troubles were magnified, and the actual condition of the inhabitants was maliciously misstated. To correct, as far as was practicable, this wrong sentiment, and to exhibit, in true colors, the aborigines of this continent, General Cass resorted to the public press, and in the fifty-fifth number of the *North American Review*, exposed these errors, and presented to the reading world, under new aspects, this interesting and vital subject. Instead of relying upon reason and argument entirely, the article was altogether of a historical and statistical character. Speaking as well from his own personal

observation as from the scanty records and very imperfect traditions that had come down from other generations, it was worthy of receiving, and did receive, great attention from the reflecting men of that day. It rolled back the waves of prejudice and calumny, set in motion by the enemies of our peace and happiness, and put to silence their pensioned presses and venal pens.

“The true character of this policy,” says the General, “has been well understood, even in this country; and abroad, it has too often furnished the motive or the pretext for grave accusation and virulent invective. This subject, we propose now to examine, and, in connection with it, briefly to review the conduct of the two rival nations, whose general measures, in peace and war, had produced the most permanent effects upon the manners, and morals, and condition of the Indians, previously to the existence of the American government. The operation of the British policy has been so much more extensive and durable than that of the French, that in the observations which we shall submit to our readers, this relative importance will be kept in view.

“The peace of 1763 terminated the long contest between the French and the British for superiority upon the North American continent. During its continuance, which exceeded a century, the Iroquois were in the English interest, and the other tribes in the French. We speak in general terms, and without adverting to the inconsiderable exception, occasioned by the local residence of some small tribes, and by other partial causes. The great contending parties availed themselves of the passions and wants of the Indians to harass their enemies, and employed them without scruple, whenever their services were useful; and each was more successful in arraigning the conduct of his rival, than in defending his own, for this atrocious practice, equally repugnant to their duty as civilized and christian nations. We feel no disposition to look back upon the exciting scenes of these times gone by. The Indians were employed, with a full knowledge of their habits and propensities; and many a traditionary story, as well as the more permanent memorials of history, have brought down to us, even through successive generations, afflicting details of these enormities. The cupidity of the savages was stimulated by pecuniary rewards; and human scalps, as proofs of death, were bought and sold in christian markets.

“As the fortunes of the French waned, and the superiority of the British became more and more manifest, the zeal and exertions of the Indians in the interest of the latter gradually relaxed, and they became spectators rather than actors, in the great drama which was rapidly approaching its termination. The Iroquois appear to have become sensible, that, in exalting one power and annihilating the other, their policy had been directed by very limited views, and that it would convert an ally into a master. Even as early as the reign of Queen Anne, their deputies, in an address to that sovereign, portrayed, with great truth and feeling, the calamitous issue that awaited them. ‘We doubt not,’ say they, ‘but our great Queen has been acquainted with our long and tedious war, in conjunction with her children, against her enemies the French, and that we have been as a strong wall for their security, even to the loss of our best men.’ Since then, so often has this strong wall been interposed between the British and their enemies, that it is now utterly demolished, and its fragments scattered to the four winds of heaven.

“But, at an earlier period, the unsettled state of their Indian relations must have satisfied the British government, that, in succeeding to the power of the French, they had not succeeded to their influence and interest with the Indians. Pontiac’s war, and the contemporaneous attack upon most of the posts on the north-western frontier, and the capture of many of them; the expeditions of Broadstreet and Bouquet in that quarter, and of Grant in the south, together with many other military expeditions of subordinate interest, mark the excited feelings which prevailed among the Indians, from Michilimackinac to Florida. There is peculiar elasticity in the French character, and we stop not to inquire whether it be feeling or philosophy, by which a Frenchman accommodates himself to any situation in which he may be placed. Upon the Seine, and upon the St. Lawrence, if not equally pleased, he is equally pleasant; and, during two centuries, in the depths of the American forests, he has associated with their rude tenants, and, as he could not elevate them to his own standard, he has descended to theirs. A mutual and permanent attachment has been the result of this intercourse, and, to this day, the period of French domination is the era of all that is happy in Indian reminiscence.

“When we look back upon the long interval of Indian inter-

course which elapsed between the first settlements on the shores of the Atlantic and the final consolidation of the British power, nothing but a dreary waste meets the eye. Not a verdant spot cheers the sight, nor a single oasis in this worse than Lybian desert. Remote and feeble colonies had become important and flourishing provinces, and the aboriginal inhabitants had disappeared or receded before the mighty tide of population, which already, from the summit of the Alleghany, was spreading with exterminating force over the forests and prairies of the west. We hold no fellowship with those to whom the sound of the Indian's rifle is more attractive than that of the woodman's ax, nor are we believers in that system of legal metaphysics which would give to a few naked and wandering savages a perpetual title to an immense continent. But it will not, at this day, be disputed that when, in the progress of improvement, the hunting-grounds of the Indians give place to cultivated fields, it is our duty to render them a full equivalent. The British government is responsible for the whole course of measures in relation to the Indians in this country, until the war of the Revolution. Their orders were executed by their own officers; and, during a part of this period, a Superintendent of Indian Affairs for the northern and another for the southern department, were appointed by the Crown.

"Not a vestige remains of any permanent advantage derived by the Indians from the cessions or sacrifices they made. Their actual relations with the British government may be emphatically stated in few words. They were useful, and were used,—in war, to fight, and in peace, to trade. Queen Anne, indeed, presented sacramental vessels to the Mohawks, and other furniture for a chapel; and this is about the extent, as far as we have been able to discover, of the direct interference of the British government in any plan to improve the moral condition of the Indians. Pious and benevolent men were engaged then, as they are now, in this interesting task; and the names of Eliot and Brainerd have come down to us with apostolic sanctity. The Society for Propagating the Gospel attempted something: but they discovered, as they said, 'that the Indians obstinately rejected their care;' and abandoned the effort, without suspecting that the fault was in the plan of the teacher, and not in the docility of the scholar. Generally, however, great indifference prevailed; and it is said, that Lord Granville reproved the converting of the Indians, 'because a

knowledge of the arts, and such a consummation, would make them dangerous to our plantations.' In the few Indian treaties which have escaped from the official bureaus, a piece or two of 'stronding,' some 'duffils,' 'kettles,' 'flints,' &c., constitute the whole value paid for important cessions. These presents were too inconsiderable for general distribution, and they disappeared almost as speedily as the council which produced them. A permanent arrangement, by which an annual consideration should always be given, and a supply thus provided for never-ending wants, was neither adopted nor proposed. This plan of permanent annuities, which constitutes an era in the relations existing between the white and the red man upon the continent, was introduced under the American government, and was first extensively embodied in Wayne's treaty of 1795—a treaty, to which no parallel can be found in history. The Indians had waged a bloody and causeless war against our settlements for many years. They had finally been overthrown in a signal battle, and their confidence in themselves and their cause utterly destroyed. They were invited to a general council at Greenville, where the same terms were granted which had been granted to them long before. Many important advantages were secured to them, and perpetual annuities were guarantied to each tribe.

"If any restraints were imposed by the British authorities, before our Revolution, upon the Indian traders, either in relation to their general conduct or the price of their goods, such restraints have escaped our investigation. We speak advisedly when we say, that none such now exist. Nor is there any prohibition against the introduction of spirituous liquors into any part of their Indian country. We may close this branch of the subject in a few words. There was no attempt to provide a permanent residence for the Indians. There were no schools, and no efforts to introduce agriculture or the mechanic arts. There were no annuities, no regulations to direct the conduct of the traders, and no law to prevent the sale of ardent spirits. A century and a half had passed away since the first settlement of the country. The rulers who governed it, heedless of the condition and sufferings of its aboriginal inhabitants, abandoned them to that current of events which is yet hurrying them onward to their doom. The records of history can not furnish a more cold-blooded, heartless document than the official report of Sir Jeffrey Amherst, the British

commander-in-chief, dated Albany, thirteenth of August, 1763, and communicating the result of Colonel Grant's expedition against the Cherokees. He states that 'Colonel Grant had burnt fifteen towns and all the plantations of the country; destroyed fourteen hundred acres of corn; and driven about five thousand men, women and children into the woods and mountains, where, having nothing to subsist upon, they must either starve or sue for peace.'

"But that great revolution had now approached, which has already produced, and is yet destined to produce, important changes in the social and political systems of the world. The American government, at the commencement of its operations, used every effort to prevent the Indians from taking part in the contest, and the desperate struggle in which the early patriots were engaged still left them time to devise plans for the moral and physical melioration of their unhappy neighbors. In the Congress of 1776, that body passed the following resolutions:

"*Resolved*, That all traders shall dispose of their goods at such stated prices as shall be fixed and ascertained by the commissioners, or a majority of such as can conveniently assemble for that purpose in each respective department, and shall allow the Indians a reasonable price for their furs and skins, and take no unjust advantage of their distress and intemperance; and to this end, they shall respectively, upon receiving their licenses, enter into bond to the commissioners, for the use of the United Colonies, in such penalty as the acting commissioner or commissioners shall think proper, conditioned for the performance of the terms and regulations above prescribed.

"*Resolved*, That a friendly commerce between the people of the United Colonies and the Indians, and the propagation of the gospel and the cultivation of the civil arts among the latter, may produce many and inestimable advantages to both, and that the Commissioners for Indian Affairs be desired to consider the proper places in their respective departments for the residence of ministers and schoolmasters, and report the same to Congress.'

"With what little effect attempts were thus made to counteract the efforts of the British authorities, and to restrain the habitual disposition of the Indians for war and plunder, was soon demonstrated by courts, and impartial history has recorded.

"The employment of the savages by the French and the British

to destroy their enemies, is among the most atrocious acts which Christendom has been called to witness. We shall not here tax our own recollection, nor the feelings of our readers, by any recital of the enormities we have *seen*. The imagination can furnish no aid towards a just conception of these scenes. There is nothing more appalling than the reality. The Indians are impelled to war by passions which acknowledge no control, and death and desolation are the objects of their military expeditions. He is the most renowned warrior whose tomahawk flies swiftest and sinks deepest. There is a horrible institution among some of the tribes, which furnishes a powerful illustration of this never-tiring love of vengeance. It is called the Man-eating Society, and it is the duty of its associates to devour such prisoners as are preserved and delivered to them for that purpose. The members of this society belong to a particular family, and the dreadful inheritance descends to all the children, male and female. Its duties can not be dispensed with, and the sanctions of religion are added to the obligations of immemorial usage. The feast is considered a solemn ceremony, at which the whole tribe is collected, as actors or spectators. The miserable victim is fastened to a stake, and burned at a slow fire, with all the refinements of cruelty which savage ingenuity can invent. There is a traditional ritual which regulates, with revolting precision, the whole course of procedure at these ceremonies. The chief of the family, and principal member of the society among the Miamis, whose name was White Skin, we have seen, and with feelings of loathing, excited by a narration of his atrocities amid the scenes where they occurred.

“There are but two serious occupations connected with the ordinary business of life to which an Indian willingly devotes himself. These are *war* and *hunting*. Labor is performed exclusively by the women. The passion for war is fostered and encouraged by institutions which are admirably adapted to make the warrior brave and enterprising. Nothing in the systems of the ancient republics was better devised to stimulate the ardor of their citizens. And when assembled Greece proclaimed the victor at the olympic games, and crowned him with the olive wreath, she furnished no more powerful motive for exertion and distinction than is provided in the institutions of our aborigines. It is the same love of distinction which impels the warrior to tear from the

head of the writhing and reeking victim the bloody trophy of savage victory, and, at the next war-dance in his distant village, to strike the post and to recount the atrocities which, by the aid of the Sag-a-nosh, (Englishman,) he has been enabled to commit upon the Tshe-mo-ke-maun, (Big Knife, American.)

“An Indian war-dance is an important incident in the passing events of a village. The whole population is assembled, and a feast provided for all. The warriors are painted and prepared as for battle. A post is firmly planted in the ground, and the singers, the drummers, and the other instrumental musicians, are seated within the circle, formed by the dancers and the spectators. The music and the dance begin. The warriors exert themselves with great energy. Every muscle is in action, and there is the most perfect concord between the music and their movements. They brandish their weapons, and with such apparent fury that fatal accidents seem unavoidable. Presently a warrior leaves the circle, and with his tomahawk, or *cassete*, strikes the post. The music and dancing cease, and profound silence ensues. He then recounts, with a loud voice, his military achievements. He describes the battles he has fought, the prisoners he has captured, the scalps he has taken. He points to his wounds, and produces his trophies. He accompanies his narrative with the actual representation of his exploits, and the mimic engagement, the advance and the retreat, are exhibited to his nation as they really occurred. There is no exaggeration, and no misrepresentation. It would be infamous for a warrior to boast of deeds he never performed. If the attempt was made, some one would approach, and throw dirt in his face, saying: ‘I do this to cover your shame, for the first time you see an enemy you will tremble.’ But such an indignity is rarely necessary, and as the war parties generally contain many individuals, the character and conduct of any warrior are well known. Shouts of applause accompany the narration, proportioned, in duration and intensity, to the interest it excites. His station in the circle is then resumed by the actor, and the dance proceeds till it is interrupted in a similar manner.

“No terms of reprehension can be too strong for the employment of such a force. The nation which authorizes it should be arraigned at the tribunal of Christendom. It is a force which will not be controlled. Human power can not stay the tide of slaughter; and ‘*allies*,’ as the Indians may be, it is an alliance to which

posterity will look back with grief and indignation, and which will tarnish the brightest pearl in the crown of the *Defender of the Faith*. It needs no casuistry to prove that the government which employs a force, of whose direct tendency they are aware, is responsible for the conduct of that force. Mr. Madison has justly said, that ‘for these enormities they are equally responsible, whether, with the power to prevent them, they want the will, or, with the knowledge of a want of power, they still avail themselves of such instruments.’ ”

General Cass, in this celebrated article, proceeds to specify irrefragable facts demonstrative of the British relations with the Indians, and, particularly, the deception practiced upon them during the war commenced in 1812. The utter abuses of good faith are graphically described, and the uniform policy of the American and British governments truly and forcibly contrasted.

“But no event, since the discovery of the continent,” he adds, “produced greater changes in the character, feelings, and situation of the Indians, than this war. During the latter part of 1812, and the whole of 1813, the north and the west were almost depopulated. Their ordinary occupations were abandoned, and men, women, and children assembled around the British head-quarters, upon the Detroit river, the warriors for blood, pay, and plunder, and their families for food and clothing. It is said that twelve thousand rations were daily issued to this subsidized host. And where are they now? Gone; the victims of war, want, and disease. They perished by thousands, and however their watch-fires, and the other incidents of savage life may furnish materials for romantic delineation, their recollection now excites a deeper sympathy for the fate of those who gave life and animation to the scene. Their numbers pressed heavily upon the resources of the British commanding officer. Supplies were obtained with difficulty, and doled out with parsimony. Their usual habits and employments were abandoned. These were succeeded by the listlessness of a sedentary camp, without the recurrence of those duties which give some variety to that most irksome situation. A warrior has no system of tactics to learn, and no labor to perform; and, when associated with civilized troops, he must abandon the chase, because the animals he pursues retire from the vicinity of large bodies of men. No resource, therefore, was left for physical exertion or mental excitement except the war parties which were

occasionally detached upon scalping expeditions. Such was the disposition of General Harrison's force that these were 'few and far between,' and the time of the warriors was generally passed in a state of morbid inactivity. They were collected in unusual numbers, and many of them were as unaccustomed to the climate as to the mode of life and the absence of employment. Under these circumstances, disease was necessarily generated, and it was exacerbated by all the symptoms of a disastrous campaign. The hopeless prospect before them was rendered still more gloomy by the presence of their families, remote from home, and depending for food and clothing upon their 'allies,' whose capture or retreat appeared but too probable. These causes produced their full effect. A grievous mortality prevailed among them, and when the American army made its descent upon the Canadian shore in 1813, there was no foe to oppose it. Proctor had fled, with the warriors who adhered to his cause. But much of his savage force had previously disappeared, either in the recesses of the forest whose shelter was nearest, or in the grave. Horrible stories are told of the miseries they endured. We had no pleasure in hearing them, and we should now have none in relating them. Whatever, in the extremity of human suffering, man has done or endured, these wretched outcasts were doomed to do and bear. But this physical wretchedness was not the only evil entailed upon them by their participation in the war. Their spirits were broken. This feeling was well expressed by Wabeshá, the principal Sioux chief, to the British commanding officer, at Drummond's Island, in 1815. Wabeshá is venerable for his age, and has always maintained a decided influence over his people. He was treated with marked attention, and valuable presents were spread before him. 'My father,' said he to Colonel McDowell, then commanding the post, 'what is this I see before me? A few knives and blankets. Is this all you promised us at the beginning of the war? Where are those promises you made us at Michilimackinac, and sent to our villages on the Mississippi? You told us you would never let fall the hatchet until the Americans were driven beyond the mountains; that our British father would never make peace without consulting his red children. Has that come to pass? We never knew of this peace. We are now told it was made by our great father beyond the water, without the knowledge of his war chiefs; that it is your duty to obey his orders. What is this

to us? Will these paltry presents pay for the men we have lost, both in battle and on the road? Will they soothe the feelings of our friends? Will they make good your promises to us? For myself, I am an old man. I have lived long, and always found the means of supporting myself, and I can do so still.'

"The tenure by which the primitive inhabitants of this continent held their land, is a question of metaphysical speculation, rather than one of practical right. All will agree that they were entitled to as much as would supply them with subsistence, in the mode to which they were accustomed. And there will probably be an assent, little less general, to the proposition, that whatever was not thus wanted, and unemployed, might be appropriated by others to their own use. The new race of men who landed upon these shores, found that their predecessors had affixed few distinctive marks of property in the forests where they roamed. There were none of those permanent improvements which elsewhere, by universal assent, become the evidence and security of individual appropriation. From Hudson's Bay to Cape Horn, the various nations of Europe have formed settlements, and have gradually, by force or purchase, reduced the aboriginal inhabitants to a state of vassalage, or driven them into the interior. European sovereigns have divided this immense country, by their charters or treaties, into many colonies and provinces, and have assumed a general jurisdiction over them, without the slightest regard to the primitive occupants. And the hoisting of the first flag, and the burying of the first bottle, are important incidents, which have occasioned many a perplexing discussion to grave diplomatists. Almost all the country now composing the Atlantic portion of the United States, was thus acquired by England. Our colonial records contain the history of many of these negotiations and purchases, but time has swept away almost every vestige of the consideration paid to the Indians. Since the establishment of their independence, the United States have adopted the system of acquiring the aboriginal title by peaceable purchase; but they have adopted it with an important change, consolatory to all who look with sympathy upon this falling race. The plan of *permanent annuities* guaranties to the Indians a never failing resource against want, and its beneficial effects are apparent in the improved condition of the Wyandots, the Shawnese, and the Miamis. But one instance, in the history of the United States, can be

found where they have acquired any title to the unappropriated country by force, and that was at the termination of the wanton and unprovoked hostilities of the Creeks; originating, probably, in foreign influence, but prosecuted in a spirit of atrocious cruelty not often displayed, even in Indian warfare. Peace, without exemplary chastisement, would have been but an invitation to new aggressions.

“The condition of our primitive people is a moral phenomenon, perhaps without a parallel in the whole history of man. During two centuries they have been in contact with a civilized people. They have seen our improvements and felt our superiority. They have relinquished their bows and arrows, and skins, and flint knives, and stone tomahawks, and have adopted our arms and ammunition, our clothes, and many of our instruments of iron and steel. But in their own moral qualities, if they have not receded, they certainly have not advanced. A principle of progressive improvement seems almost inherent in human nature. Communities of men, as well as individuals, are stimulated by a desire to meliorate their condition. There is nothing stationary around us. We are all striving in the career of life to acquire riches, or honor, or power, or some other object, whose possession is to realize the day-dreams of our imaginations; and the aggregate of these efforts constitutes the advance of society. But there is little of all this in the constitution of our savages. Like the bear, and deer, and buffalo of his own forests, an Indian lives as his father lived, and dies as his father died. He never attempts to imitate the arts of his civilized neighbors. His life passes away in a succession of listless indolence and of vigorous exertion to provide for his animal wants or to gratify his baleful passions. He never looks around him, with a spirit of emulation, to compare his situation with that of others, and to resolve on improving it. In a season of abundance he never provides for a season of scarcity. Want never teaches him to be provident, nor misery to be industrious. This fatuity is not the result of ignorance. Efforts, however ill-directed, have not been wanting to teach and reclaim him. But he is, perhaps, destined to disappear with the forests which have afforded him food and clothing, and whose existence seems essential to his own.

“Under such circumstances, what ignorance, or folly, or morbid jealousy of our national progress, does it not argue, to expect

that our civilized border would become stationary, and some of the fairest portions of the globe be abandoned to hopeless sterility, that a few naked, wandering barbarians should stay the march of cultivation and improvement, and hold in a state of perpetual unproductiveness immense regions formed by Providence to support millions of human beings? And has England furnished us with any examples of such a system of self-denial, or, rather, of canting weakness? We will not inquire in India, for there no barbarians, strictly speaking, are found. But the Australasian continent is now a British province, acquired and settled within the memory of the present generation. And where are its aboriginal inhabitants? Let the following extract from the Sydney Gazette of December 16th, 1824, answer this question:

“ ‘The overseer, finding that they had nearly expended their arms, he and his men dismounted, tied their horses together, and faced about, commencing a fire of musketry on the natives, then charged them with the bayonet until they were completely routed and dispersed. The natives left sixteen men dead on the field, and their weapons were completely destroyed.

“ ‘After the fight the party returned in safety to Mudgee.’

“That nothing short of that whole continent, exceeding Europe in extent, will satisfy the *forbearance* of the British government, we have full evidence in the measures which are in progress. And what permanent advantages, either physical or moral, have the Australasians derived from their civilized neighbors? We hear of no treaties of cession, no ‘purchases *compulsory*,’ or voluntary, no mutual concessions, no annuities for future relief. *The land is wanted, and it is taken.*

“There is one consideration connected with the cession of land by the Indians, too important, in a fair examination of the subject, to be overlooked. The advance of the white settlements is the signal for the recession of the game. There is always an extensive interval of border country between our cultivated frontier and the permanent possessions of the Indians. Their unremitted efforts to procure food and clothing cause a rapid diminution of wild animals in this district; and as these animals flee from destruction, they are followed by those who look to them for sustenance. The district thus abandoned becomes useless to the natives, and this is the land which is generally acquired by our treaties. In many instances, and we speak from personal

observation, the amount paid for these cessions has been more valuable to the Indians than all the animals existing there whose flesh and furs are sought by them.

"We come now to other topics. 'It is not necessary to prove in this place, for the fiftieth time,' says the reviewer, 'that our cause was common with that of the Indian nations. *Against them, as against us, the Americans had been the real aggressors.*' With what truth these assertions are advanced, will be best determined by a brief examination of the various acts of the American government towards the Indians, and by a comparison of these with the course which has been pursued by the British government. Our attention has already been called to the unremitting exertions of the republican government to restrain the Indians from hostilities; to induce them, whenever a contest between their white neighbors appeared unavoidable, to remain in their own country and suffer the storm to pass away without exposing themselves to its violence. In the same spirit hostile tribes have been brought together, *and the tomahawk buried beneath the ashes of the council fire.*"

He then proceeded to point out the various measures of the British government, and he clearly demonstrated that, in all instances, the mere love of worldly gain was the incentive; that the well-being of the poor Indian never was taken into consideration. And to satisfy the inhabitants of other portions of our country, that the American government not only acted from motives of humanity, but fully comprehended the labor, he posted the reading public with the locality and disposition of all the many tribes west of the lakes, and their attitude with the whites; and then, with the confidence of truth, commended to the final judgment of the world the conduct of his government. By this verdict he was content to abide.

The councils held by General Cass with the Indians were for the purpose of removing difficulties with them and of securing their attachment to the United States, and eventually for the purchase of land. The progress of our settlements rendered necessary the acquisition of new districts, while, at the same time, the diminution of game and the reduction of the number of Indians, made the district adjoining our improved frontier of little value to the aborigines; for, in those days, they had no permanent occupation of land, and subsisted principally by the chase,

living upon the meat and selling the furs to the traders, and thus procuring the indispensable supplies of guns, powder, lead, and blankets, and some other articles.

The mode of life of the Indians has undergone little change since they became known to us, unless in those cases, (and till recently there have been but few of them,) where they have abandoned their primitive habits and become stationary agriculturists. According to their primitive habits, in the spring the families of the Saint Totem,—the subdivision of a tribe marked by the figure of some tutelar animal,—seek a pleasant spot of fertile ground upon some stream, and there they erect rough cabins, forming a little village, marked by its council house and its surrounding green for amusements, and in its vicinity they plant a little corn, which is scratched around, rather than cultivated, by the women. There are but two occupations an Indian warrior can honorably pursue. One is to hunt and the other is to go to war. All other labor devolves upon the women; and this *point of honor*, made such by early training which fosters their natural indolence, is one of the most formidable obstacles to the improvement of the Indians. As soon as their corn is fit for roasting-ears,—before, indeed, they begin to eat it, and to waste it with true Indian improvidence, for they have less foresight than many of the animals around them, and by the time their little crop is ripe, it is all consumed. A few pumpkins and beans, plants indigenous to the country, were also, and yet are, raised. During the summer the game is poor and the furs bad, and they are able to kill but little, for the assemblages in the villages drive away the animals. They kill what they can, and when there are no war parties, the season is passed in indolence and amusements,—in eating, (gorging, rather, when they have the means,) dancing, singing, smoking, and telling stories. In the fall they repair to the hunting grounds. Each family has its own, which is not encroached on by others, or, if so encroached on, a deadly feud is the consequence. There they encamp, and spend the winter in hunting and in the collection of furs, to enable them to satisfy their traders. In the spring they return to their traders; and thus passed the life of an Indian when the race first became known to us, except that bows and arrows were used for weapons, and furs and skins for clothing,—and thus it passes yet, where they have not followed our example.

CHAPTER XIV.

Effect of the Article in the Review—The Lake Communication—General Cass' Literary Efforts—Treaty of Green Bay—His Labors—Historical Society of Detroit—His Address—Hamilton College—Oration before the Alumni—Degree of LL.D.

The article extracted from, in the preceding chapter, electrified the public mind. In addition to the many stubborn facts brought out, showing clearly and concisely what policy had been pursued and what measures imitated by the several christian nations, in their intercourse with the wild aborigines of America, General Cass, for the first writer, had had the manliness to speak plainly to Europe, and to proud England in particular. The effect was, that the latter nation became more chary of their baseless charges against the philanthropy of the United States, and began to look about and see how well they might get off from the inroads of *benevolence*, and best preserve the residue of their North American Indian possessions. Their traders saw that it would be a profitless task further to prosecute annoyance, and that the only alternative was now to be at peace with the American authorities. A new era in British diplomacy dates from this time. Directing their attention to the innumerable tribes of Indians scattered far and wide, from the Gulf of St. Lawrence to Nootka Sound, they withdrew their busy agents from lands farther south, and allowed the banner of "the brave and the free" to go on in the fulfillment of its high mission.

Nor was this all. The example set by General Cass encouraged other writers, and gave them confidence to speak out, and, on all proper occasions, defend the dignity and character of republicanism from the assaults of pampered royalty. It also restored confidence to the young farmers and mechanics of New England whose thoughts were upon lands to the westward, and hastened their vigorous footsteps. This elucidated argument familiarized their minds with the dreaded natives, neutralized fear, and re-animated them with high and exhilarating hope. More than

ever did the broad prairies and dense and lofty forests, stretching from the chain of inland seas that washed the northern frontier away to the majestic rivers that emptied the surplus waters of millions of acres into the southern ocean, seem to be the land of promise. And hitherward did they now begin to go. Not singly, and as exiles banished from their native land, but in caravans and of their own volition, there to take their parts in the unending drama of life. Noble resolution! And their steady efforts to subdue the wilderness, beyond the language of praise.

The Walk-in-the-water was too slow, and of insufficient capacity, to accommodate the travelers and their luggage over the rough waves of Erie, and enterprise built the Henry Clay and other steam vessels, to supply the wants of emigration. To meet the demand for land, increasing with every arrival of the boats in the Straits, other and larger tracts were surveyed and brought into market, and quickly taken up by the settlers. The capitalist, too, came, and made investments. Improvements, local and general, were made; the small settlements began to swell into villages; edifices, public and private, were projected and built; the echo of the woods was supplanted by the hum of commerce; rich fields of grain and other products of agriculture met the eye in every direction, and were shipped to the seaboard. To this complexion had Michigan come at last, under the judicious piloting of her faithful and far-seeing Chief Magistrate. Her people saw and appreciated it, and their confidence in his wisdom and action was greater than ever. Not vainglorious or overweening of his own efforts, he was deeply sensible of how much of their almost unprecedented prosperity was due to the favor of an all-wise and beneficent Providence; and to him, in meekness, did the Governor invite the people to set apart a day of public thanksgiving and praise.

The mines, both copper and lead, began to pour forth their wealth; and the excavators and smelters reported large quantities for market. In this season of prosperity, and the wheels of government, over which he presided, moving with harmony and regularity within their appointed orbits, General Cass found leisure to add to the literary wealth of our common country, and enrich its stores with his views on the important topics of the day. He wrote several essays and reviews for the magazines, exhibiting as well great research as beautiful thoughts, and clothed

in elegant and apt language. His contributions hold high rank in the world of letters, for their clearness, comprehensiveness, and felicity of expression.

He was again called upon, however, in the summer of 1828, to visit the Sacs and Foxes, Winnebagoes, Pottawatomies, Ottawas, and Chippewas, in grand council at Green Bay. He concluded a treaty with these tribes on the twenty-fifth of August, acquiring for the United States many millions of acres of land; and on the twentieth of September in the same year, he negotiated a treaty with the Pottawatomies at St. Joseph's, by which a large cession was procured for the State of Indiana. Regardless of personal comfort, he was always ready to execute the wishes of the government. The imminent perils which he often encountered, and his hair-breadth escapes from danger and death, would fill volumes to relate. Incident upon incident, in his travels upon the lakes and rivers, and through the solitary forests, it would afford pleasure to give, and instruction to hear. No man living has seen and experienced more of border life, with all its excitement and danger, than he. There is scarcely a river in all the country north-west of the Ohio, of any magnitude, that he has not seen; and he is familiar with all the bays, inlets, and promontories, that line the lake coast from Buffalo to the head waters of the Father of Rivers, away in the far-off, northern wilderness. And in all his multiplicity of business with the Indians, he has, in every instance, so acted as not to leave the slightest consciousness on his mind, that he has aggravated the lot of a single tribe, or in any other manner than to the promotion of their own good and happiness.

In July of this year, a Historical Society was organized at Detroit, under the advice of General Cass, for the purpose of collecting and preserving such materials, both traditionary and authentic, as might enable its members to trace the history of that portion of the United States, and mark the changes it had undergone. By judicious exertions, they hoped to rescue from oblivion many important documents; to disclose many facts and transactions, either wholly unknown or imperfectly remembered; and elucidate what was confused and contradictory in the earlier annals of those regions. The field of labor was sufficiently interesting and extensive for all their industry and zeal. Experience has shown that, however ardently individuals may devote their energies

to such pursuits, little, after all, is accomplished by solitary efforts; whilst unity of action, a generous spirit of emulation, the co-operation of the community, and a central point of union, where plans may be proposed and adopted, opinions discussed, and collections and recollections embodied and preserved, are secured by these institutions. The history of Michigan commences with 1701, when, in June of that year, Mons. De la Motte Cadillac, with one hundred men and a Jesuit, left Montreal, carrying with them everything necessary for the commencement and support of an establishment, and ascending the St. Lawrence and Lakes Ontario and Erie, reached the City of the Straits in the following month of July. It is not invidious to say, that no place in the United States presents such a series of events, interesting in themselves, and permanently affecting, as they occurred, its progress and prosperity. Five times has its flag changed between that day and this; three different sovereignties have claimed its allegiance,—France, England and the United States; and, since it has been held by the latter, its government has been thrice transferred; twice has Detroit been besieged by the Indians, once captured in war, and once burned to the ground. Still, there was nowhere to be found a connected account of the progress of the people: occasional notices were interspersed through the French historians, and detailed descriptions given of the more important events; but the whole subject was involved in much obscurity, and the statistical facts had altogether been neglected. There were no comparative estimates of plantation and production—none of those severe investigations into the character and condition of the country which render modern history so valuable and satisfactory.

It was under such circumstances, and impelled by such motives, that a movement was now made by Henry R. Schoolcraft, who had traveled much in the western country, and was highly gifted with observation and reflection, and others, to institute a society, which, in its efficient and harmonious action, would remedy the remissness of the past, gratify the present, and benefit the future.

The celebration of the first anniversary was deferred until the session of the legislative council; when, on the eighteenth of September, 1829, at the council chamber, in Detroit, General Cass, by invitation, delivered an appropriate, interesting, and instructive discourse. It embodied the early history of Michigan,

bringing it down to a period when the United States came into possession. It was published by the society, and excited a spirit of research and inquiry, producing the most beneficial results.

“There are no proud recollections associated with the early history of this region of forests, and lakes, and prairies. No monuments have survived the lapse of ages, to attest, at once, the existence of heroic achievements, and a nation’s gratitude. No names of renown have come down to us, rescued from oblivion by their virtues or their vices. No place is found, in all our borders, where the traveler can meditate upon the instability of human power, amid the evidence of its existence and decay; nor where the memory of brilliant exploits can be recalled among the scenes of their occurrence. Our country is yet fresh and green. Centuries must roll on before our arches are broken, our columns dilapidated, our monuments destroyed; before the hand of time shall have impressed upon our high deeds and high places that sanctity which enables the inhabitants of the eternal city, even in this day of Roman degeneracy, to look back with pride to the deeds and days of the republic. Our only monuments are the primitive people around us. Broken and fallen as they are, they yet survive in ruins, connecting the present with the past, and exciting emotions like those which are felt in the contemplation of other testimonials of human instability. The early European adventurers found these regions in the possession of numerous tribes of savages, divided into separate communities, and speaking various languages, but having a general resemblance in their physical relations, their manners and customs, their religion, government, and institutions. Much labor and research have been devoted to an inquiry into their origin and migrations. Many idle notions have prevailed respecting these topics, unworthy now of serious examination, except as they furnish evidence of the waywardness of the human intellect. That they are branches of the great Tartar stock, is generally believed at the present day. Many points of resemblance, both physical and moral, leave little doubt upon the subject. But why, or when, or where the separation occurred, or by what route, or in what manner they were conducted from the plains of Asia to those of America, it were vain to inquire, and impossible to tell.

“Cartier was the pioneer, but Champlain was the founder of the French power on this continent. For twenty years succeeding the

commencement of the seventeenth century, he was zealously employed in planting and rearing, upon the banks of the St. Lawrence, that infant colony which was destined to extend its branches to these shores, and, finally, to contest, with its great rival, the sovereignty of North America. Champlain displayed, in his adventurous life, traits of heroism, self-devotion, and perseverance, which, under more favorable circumstances, would have placed him in the rank of those whose deeds are the landmarks of history. I shall not attempt to trace the progress of these remote settlements, nor to mark their alternations of prosperity and adversity. They are peculiarly interesting to us only as they exhibit the gradual and successive steps by which a knowledge of these internal seas, and of the countries around them, was acquired, and the settlements formed and extended. As the tide of French power flows towards this peninsula, we become more anxious to trace its principles and progress, and to inquire into the motives and means of the hardy adventurers who were every year ascending still further and further the boundless waters before them. It was early discovered that a profitable traffic in furs could be carried on with the Indians, and the excitement of gain prompted those engaged in it to explore every avenue by which the camps and hunting grounds of the Indians could be approached. A better and nobler feeling, too, brought to this work a body of learned and pious men, who left behind them their own world, with all its pleasures and attachments, and sought, in the depths of remote and unknown regions, objects for the exercise of their zeal and piety. The whole history of human character furnishes no more illustrious examples of self-devotion than are to be found in the records of the establishments of the Roman Catholic missionaries, whose faith and fervor enabled them to combat the difficulties around them in life, or to triumph over them in death.

“It is now difficult to conceive, what, however, is well authenticated, that, a century and a half ago, the great central point of Indian influence and intelligence was upon the southern shore of Lake Superior, and far towards its western extremity. This was the seat of the Chippewa power, and here was burning that eternal fire whose extinction foretold, if it did not occasion, some great national calamity. No fact is better established, in the whole range of Indian history, than the devotion of some, if not all the tribes, to this characteristic feature of the ancient superstition of

the Magi ; and it proves their separation from the primitive stock at an early day, when this belief was prevalent among the eastern nations. All the ceremonies attending the preservation of this fire, yet live in Indian tradition, and it was still burning when the French first appeared among them. There were male and female guardians, to whose care it was committed ; and when we recollect the solemn ritual and dreadful imprecations with which the same pledge of Roman safety was guarded and preserved, it ought not to surprise us that such importance was attached by the Indians to the ceaseless endurance of this visible emblem of power, whose duration was to be coeval with their national existence. The augury has proved but too true. The fire is extinct, and the power has departed from them. We have trampled on the one, and overthrown the other.

“The circumstances of another custom have survived the general wreck, in which so much of their tradition has perished. Upon the Sandusky river, and near where the town of Lower Sandusky now stands, lived a band of the Wyandots, called the Neutral Nation. They occupied two villages, which were cities of refuge, where those who sought safety never failed to find it. During the long and disastrous contests which preceded and followed the arrival of the Europeans, and in which the Iroquois contended for victory, and their enemies for existence, this little band preserved the integrity of their territories, and the sacred character of peacemakers. More fortunate than the English monarch, who, seated upon the shore of the ocean, commanded its waves to come no further, they stayed the troubled waters which flowed around but not over them. All who met upon their threshold, met as friends, for the ground on which they stood was holy. It was a beautiful institution ; a calm and peaceful island, looking out upon a world of waves and tempests.

“It is difficult, at this day, to trace the causes of the attachment and aversion which were respectively manifested by the various tribes for the French and English. The interest of the former generally predominated, and they seem to have had a peculiar facility in identifying themselves with the feelings of the Indians, and in gaining their affections. But, even in this quarter, the seeds of disaffection were early sown, and ripened into an abundant harvest. The Fox or Outaganic Indians, who then occupied this strait, evinced a restless disposition, from their first acquaintance

with the French, and a determined predilection for the English. This was cultivated by the usual interchange of messages and presents, and an English trading expedition actually reached Michilimackinac in 1686.

“During such a contest for supremacy, both in power and commerce, the great advantages offered by an establishment upon this river could not escape the observation of the contending parties. In fact, it is difficult to conceive why it was so long postponed, and we can only account for it by the recollection, that the French had another and safer way by which they could communicate with the north-western regions. If the English entered the country at all, they must enter it by this route, and a position here was in fact the key of the whole region above us. Influenced by these motives, the English government seriously contemplated its occupation, but they were anticipated by the decisive movement of their rivals. A great council was convened at Montreal, at which were present all the distinguished chiefs of the various tribes occupying the country from Quebec to the Mississippi. It is described by the French historians as the most numerous and imposing assemblage ever collected around one council fire, and it was attended by the Governor General and all that was noble and powerful in New France. Its discussions, and proceedings, and result, were fully recorded, and have come down to us unimpaired. The whole policy of the French intercourse with the Indians was considered, and the wants and complaints of the various parties made known. The Iroquois stated that they had understood the French general was about to establish a post on the Detroit river, and objected strenuously to the measure, because the country was theirs, and they had already prevented the English from adopting the same step. The Governor General, in answer, informed them that neither the Iroquois nor the English could claim the country, but that it belonged to the King of France; and that an expedition, destined for this service, had already commenced its march.

“The continued wars between France and England, which filled so large a portion of the eighteenth century, extended their influence to this quarter, and a company of militia, detailed from the inhabitants, and commanded by an ancestor of one of our most respectable families, that of Campan, fought in the great battle where Braddock was defeated and killed. But it was under the

walls of Quebec that the fate of this country was decided. Upon the plains of Abraham the victor and the vanquished poured out their lives together, displaying in death, as they had displayed in life, traits of magnanimity and heroism worthy of the best days of chivalry. 'Who flies?' said the expiring Wolfe, to an exclamation of one of the mourning group around him. He was answered, 'The enemy!' 'Then,' said he, 'I die happy;'—and he died. His fate, so picturesque and glorious, recalls the memory of Epaminondas and Gustavus, upon the plains of Mantinea and Lutzen. Victory crowned their standards, and death sealed their career. His rival in fame, and in all but fortune, Montcalm, nobly supported the honor of France, and fell too soon for his country, though too late for himself. But a few brief years afterwards, and another noble and gallant leader attempted to plant the standard of freedom upon the rocky battlements of Quebec. He fell where Wolfe and Montcalm had fallen before him, but the memory of Montgomery will be cherished as long as the sacred cause for which he fought and died.

"In 1760, the British, under the capitulation of Montreal, took possession of Detroit and the upper ports, and in 1763 these were finally ceded by France. No sooner had the English obtained possession of the country, than a spirit of disaffection became visible, which extended to all the tribes in this region, and finally led to the conception and execution of a plan, equally able and daring, for their overthrow.

"There was then upon the stage of action one of those high and heroic men who stamp their own characters upon the age in which they live, and who appear destined to survive the lapse of time, like some proud and lofty column, which sees crumbling around it the temples of God and the dwellings of man, and yet rests upon its pedestal, time-worn, but time-honored. This man was at the head of the Indian confederacy, and had acquired an influence over his countrymen, such as had never before been seen, and such as we may not expect to see again. To form a just estimate of his character, we must judge him by the circumstances in which he was placed; by the profound ignorance and barbarism of his people; by his own destitution of all education and information; and by the jealous, fierce and intractable spirit of his compeers. When measured by this standard, we shall find few of the men whose names are familiar to us more

remarkable for all they purposed and achieved than Pontiac. Were his race destined to endure until the mists of antiquity could gather round his days and deeds, tradition would dwell upon his feats as it has done in the Old World upon all who, in the infancy of nations, have been prominent actors for evil or for good. Pontiac was an Ottawa, and had been a celebrated and successful warrior. His virtues seem to have been his own, and his vices those of his age and nation. Major Rogers, who conducted to Detroit the first British detachment, was met upon his route by Pontiac and his warriors. He states that the chief sent to demand why he entered his country, and informed him that he stood in the path, and that the troops could not proceed until their object was satisfactorily explained. At an interview between them, the British commander assured him his object was not to claim the country, but to remove from it the French troops, who had prevented a friendly intercourse between the English and the Indians. Proper belts were interchanged, and the desired permission was given. Pontiac issued a currency which was received by the French settlers and faithfully redeemed by him. These bills of credit were drawn upon bark, and represented the article which had been delivered to him, and were authenticated by the figure of an otter—the totem of his family.

“Pontiac meditated a sudden and contemporaneous attack upon all the British posts on these lakes, and upon the forts at Niagara, Presque Isle, La Boeuf, Venango, and Pittsburgh. His design was to carry them by treachery, and to massacre their garrisons. He then intended to take possession of the country, and to oppose the introduction of British force. He calculated that these successes would give confidence to all the tribes and unite them in a general confederacy. His first object was to gain his own tribe and the warriors who generally attended him. Topics to engage their attention and inflame their passions could not be wanting. A belt was exhibited, which he pretended to have received from the King of France, urging him to drive the British from the country, and to open the paths for the return of the French. The British troops had not endeavored to conciliate the Indians, and mutual causes of complaint existed. Some of the Ottawas had been disgraced by blows. But, above all, the British were intruders in the country, and would ere long conquer

the Indians as they had conquered the French, and wrest from them their lands.

“After these topics had been skillfully managed, a great council was convened at the River Aux Ecorces, where Pontiac addressed the Indians with equal eloquence and effect. He called to his aid their prevalent superstition, and related a dream, in which the Great Spirit had recently disclosed to a Delaware Indian the conduct he expected his red children to pursue. I shall not occupy your time by a recital of the various circumstances attending the translation of this seer from earth to heaven. They were distinctly narrated by Pontiac, and such is the effect of superstition upon the human mind, that they were perhaps related with as much good faith as they were received. In the interview between the Great Spirit and his chosen minister to the Indians, minute instructions were given for their conduct in this, the peculiar crisis of their fate. They were directed to abstain from ardent spirits, and east from them the manufactures of the white man; to resume their bows and arrows, and the skins of the animals for clothing. ‘And why,’ said the Great Spirit, indignantly, to the Delaware, ‘why do you suffer these dogs in red clothing to enter your country and take the land I gave you? Drive them from it, and when you are in distress, I will help you.’

“The speech of Pontiac, and the dream of the Delaware, produced a powerful effect upon the wild and reckless multitude, who listened eagerly to the tale of their wrongs, and the offer of revenge. A plan of operation was concerted, and belts and speeches were sent to secure the co-operation of the Indians along the whole line of the frontier.”

Thus discoursed General Cass to the Historical Society of Michigan. Of a capacious mind, and unusual retentive memory, he has made it a rule of his life, when not otherwise engaged, to busy himself in acquiring information and knowledge from reading, observation, and mingling with his neighbors and friends. The history of the western country he had garnered in his mind. Whatever there was of tradition, to the minutest detail, was his; whatever of value had been written by the early travelers, he had attentively perused, and reflected upon. As with the imperfect history of other countries, so with this; the searcher after truth finds much chaff, and much judgment was requisite to separate the truth from imposition. He had improved the many opportunities

that came in his way, to unriddle many a curious story; and, on the occasion of this anniversary, the society had the full benefit of all this. His discourse was, of itself, a concise and beautiful history of the great region in which its members dwelt; and, as such, was most sacredly treasured up in the archives of the society.

General Cass was now frequently invited to deliver addresses in the Territory where he resided, and in the adjoining States, and very frequently gratified his admirers by an acceptance. In the following year of 1830, the Alumni of Hamilton College, in the State of New York, gave him a very urgent invitation to deliver an address at their anniversary meeting, on the twenty-fifth of August. This, in those days, was some distance for him to go for such a purpose. The invitation, however, was warmly urged by the graduates of that institution, and he accepted it. He fulfilled the appointment on the designated day; and in the address which he delivered on that occasion, displayed an affluence of reading and reflection, which evinced an elevated literary taste, and proved his intimate acquaintance with most of the departments of human knowledge. A stranger to his earlier history would have supposed it to have been a difficult task for him to perform, with any degree of credit to himself or them, employed as he had been then, for upwards of twenty years, in the life and cares of the wilderness, and its savage tenants. But when the reader is informed that he had been previously admitted an honorary member of the American Philosophical Society, in Philadelphia; of the New Hampshire, Rhode Island, and Indiana Historical Societies; of the American Antiquarian Society, and the Columbian Institute, the only surprise will, probably, be that the children of this Alma Mater were so fortunate in their selection of an orator.

“Your favorable regard,” said he, “has called me from the land of Pontiac and Tecumseh, to this ancient seat of Iroquois power and ambition. The generation has not wholly passed away which beheld that fierce confederacy in possession of your fair and fertile regions; which saw the war-flag upon your hills, and heard the war-song in your valleys. And there are many, yet in the vigor of manhood, who recollect, at a much later period, that, in the country beyond you; in that great plain which still stretches onward as we follow it, and which now teems with industry and enterprise and civilization, the wandering Indian held undisputed

dominion, and made his home and his grave where there was no *pale* man to claim the one, nor to disturb the other. But now the feeble remnants of this primitive race are strangers in the land of their fathers. In their own language, they are traveling to the setting sun, leaving their inheritance to us and our children. The fall of a high spirited people always presents a subject of melancholy reflection. But the causes which, for generations, have been exerting their influence upon our aboriginal population, are yet in active operation; and regret them as we may and must, they will go onward to their work. Our solitary rivers will yet be ascended, our forests subdued, our prairies reclaimed, and civilization and improvement will assert their empire, until they are checked, as in other times and countries they have been checked, by great social or political revolutions."

Speaking of the power of education—

"But as the great mass of mankind is instructed, and public opinion enlightened, a moral force is exerted, which governments dare not resist. The schoolmaster is a more powerful antagonist than the soldier, and the alphabet a more efficient weapon than the bayonet. The nations of Christendom are members of one great family. Such is the intercourse of commerce and science, that the proceedings of every government are obtained, discussed, and judged throughout the civilized world. If a hostile gun is fired upon the Ganges, the echo is heard upon the Mississippi. If the Egyptian, reversing the tide of ancient conquest, plants the crescent upon the Parthenon, sweeping over the land of Miltiades and Aristides with a spirit of ruthless barbarism, which leaves to Greece neither the evidence of her past civilization nor the hopes of her future, neither her monuments nor her children, her sufferings are felt and deplored, wherever our countrymen have subdued the forest or reclaimed the prairie.

"Where is the man so elevated as not to quail before this universal gaze? Even the wayward child of fortune, who was insulated in his career and fate, no less than in the scenes of his birth and death, fell before the public opinion of Europe, which he had despised and provoked. The banners of the continental princes would never have crossed the Rhine had not the spirit of their people been roused; and among the remarkable events of that portentous era, when Europe arrayed itself against France, there was nothing which marked the aspect of the times more strongly

than the zeal everywhere displayed by the people. They marched in the van of their governments, and actually forced their way to war."

Of the periodical press, he remarked:

"The wish of Archimedes is realized, and a place is found where the world can be moved. Only a century and a half has passed away since the introduction of newspapers, and, during many years, their progress was slow and doubtful. In their infancy there was little to commend them to public regard. They were mere chronicles of passing events, recording everything with equal gravity, whether trifling or important. There were no enlarged views, no interesting speculations, no elaborate discussions, political or statistical. But as they attained maturity, their character gradually changed, and they became what they now are—the repositories of all that is important in the progress of human affairs, and of much that is valuable in science and literature. Their duration is now beyond the reach of fraud or force. In India, in Iceland, in Australia, at the Cape of Good Hope, in regions first known to history, and in those which history has yet to visit, these periodical messengers are sent abroad to instruct, to restrain, and to punish. Knowledge is diffused with certainty, promptness, and accuracy. The conduct of rulers is scrutinized; the course of their policy is investigated; a moving map of the world is spread before the community; and literature, science, and the arts, are carried to the remotest verge of civilization. In republics they are the safeguards of freedom; in monarchies they are jealous sentinels, prompt to discern and fearless to announce approaching danger; and, in all governments, they are the nerves which convey sensation through the political body. Benefits, when common, are rarely appreciated, and the natural elements around us are among the choicest blessings of life, which we enjoy without reflection, but which we could not lose without destruction. If the periodical press, with its rich treasures of intelligence and science, were struck from existence, we should then know how much we had possessed by feeling how much we had lost.

"Had this great source of public instruction and information existed in the old world, how different might have been its destiny, and how rich the lessons of experience transmitted to us! How precious would be a newspaper, printed at the epoch of some of the memorable events which have come down to us in

'thoughts that breathe and words that burn.' A gazette of Sparta or Athens, when Xerxes was upon the Hellespont, or Leonidas at Thermopylæ, would be a treasure far beyond the marble monuments which yet look out upon the ruins around them. The hopes, the fears, the efforts, the sacrifices of Greece, would be before us, not disguised in the impassioned strains of her poets, nor in the eloquent but partial narrations of her historians, but as they marked the approaching danger and the alterations of popular feeling. And with equal interest should we gaze upon a similar monument of the literature and fortunes of Rome, when domestic discord or foreign armies shook her power but not her resolution; when her citizens retreated to the sacred mount, or her great Carthaginian enemy swept her eagles from the field of Cannæ. It is impossible to look upon those great events, familiar to us from infancy, but seen through a mirage which distorts while it magnifies, without being sensible of the absence of many of those peculiar traits which give life to the picture of modern times. The orators, statesmen, and philosophers, are actors upon a stage, dressed in theatrical costume, and performing the parts assigned them. But of their private lives, of their peculiar opinions and feelings, and of the moving incidents which appealed to all and swayed all, little has been recorded, and little can be known. Of general facts, we have enough, and more than enough. Armies, and battles, and victories, are forever before us, as though we had nothing to learn but the splendor of conquest and the utter disregard in which human life was held. All that is wanting to complete our knowledge of antiquity, these publications would have furnished. We should have entered the private dwellings of those who, twenty centuries ago, were as anxious about the cares of this life as we are. Their domestic circles would have been open to us, their conjugal and parental and filial relations disclosed, and the whole constitution of their society revealed. The meagre details of manners and customs, now gleaned from the comic writers, would be disregarded in the general view presented to us. Time would be annihilated, as the steam engine is annihilating space, and nations, as remote in age as in position, would be brought together.

"But these are advantages peculiar to the age in which we live. The invention of Cadmus still retains all its value, but it is

almost the only debt which the diffusion of modern knowledge owes to the genius of antiquity. And when we recall the circumstances which formerly retarded the progress of letters, we may well be surprised that so much was done for the great cause of literature; and that in history, in poetry, in elocution, the works which have descended to us yet excite the admiration of mankind. They are models for imitation, rather than efforts to be equaled. The slow and expensive process by which alone manuscripts could be multiplied, necessarily limited the circulation of works to the wealthier portion of society; and it is recorded, that, for three small treatises, Plato paid a sum equal to sixteen hundred dollars of our money. When the field of fame was thus limited, only an ardent devotion to literature could stimulate to exertion. Greece indeed affords, in one of her institutions, a noble theater for display: and when all that was wise, and learned, and venerable, through her confederated states, assembled at the Olympic games, and listened to the poets and historians who recited their admirable productions, life could afford no reward more grateful or enduring.

“In our own country, we may attribute the general progress of political information to the introduction of periodical publications, and to the admirable system of posts by which they are distributed to every portion of the republic. Our country is intersected in all directions by routes, along which the depositories of intelligence are conveyed. From the Lakes to the Gulf of Mexico, and from the Penobscot to the Missouri, these avenues of knowledge are pouring out their rich treasures before the community. The tenant of the remotest log cabin, upon the very verge of civilization, is within the reach of newspapers recording the passing history of the world. The able debate which, at the last session of Congress, fixed the eyes of the nation upon the Senate, was watched with equal anxiety in every part of the land. The talents and opinions of those who mingled in the controversy, were as well known upon the frontier as at the capital. The grave questions of constitutional law, so elaborately discussed, furnished topics of conversation and argument throughout the confederacy. The general spirit of inquiry, co-operating with the facility afforded for its indulgence, renders the whole body of our citizens spectators of the proceedings of the government. The walls of the capitol are, in effect, broken down, and the

national representatives perform their duties upon a vast arena, where their measures are all visible to those who gave, and can take from them, their political life. It is difficult to estimate too highly the effect of this *surveillance* upon the character and duration of our country."

Turning his attention to the power of knowledge and education upon the political institutions of the various nations of the world, he proceeds to say:

"Representative bodies are gaining strength where they exist, and they are coming into existence where they have heretofore been unknown. With the knowledge of their rights, comes the feeling of their strength. The uses and abuses of governments are now freely investigated, and men begin to wonder that they have so long submitted to unjust pretensions, founded neither in reason nor utility, neither in the good they promise nor in that which they perform. Time and opinion sanctify many errors; and the 'pomp and circumstance' of a throne have often preserved the authority, if not the life, of the occupant. But he who raised thrones and demolished them as easily as he fought battles and gained them, said (and the lesson is now spreading through the world) that 'they were wooden seats covered with velvet.' Their splendid drapery can not much longer conceal the truth. It would be arrogant for us to judge what forms of government are best suited to the condition of the European States; and we should contradict many of the lessons which history has furnished, were we to affirm that monarchies, properly administered, can not protect the rights and promote the happiness of their people. But we may well look forward to the time when such governments, restrained by limitations they can not pass, and acknowledging the influence of public opinion, shall exercise their powers in a spirit of justice and forbearance. And that time must come, and come speedily. It has been said, and with some truth, that the affairs of no nation can be very badly administered, where a body of men, no matter how constituted, or by whom elected, have the right to assemble, and freely and publicly investigate the proceedings of the government. But how much more efficacious are the general extension of education and the productions of the press? Instead of receiving impressions from those who are too often interested in the prevalence of erroneous ones, an enlightened community forms impressions for

itself. For a time, the ramparts erected in many countries against this great enemy of arbitrary power, may prevent the approach of instruction and information. But these defenses must give way. They will fall as many prouder monuments have fallen; and knowledge, freedom, and science will march over them, not as northern nations entered the capital of the world, to enslave and destroy, but to redeem, to enlighten, and to protect. Even the great Russian Iceberg, which is already the terror of Europe, has felt the genial influence of knowledge and science; and let us hope that it will dissolve beneath their power, before it reaches the plains of France and Italy. Signs of approaching change begin to be visible among the votaries of Islamism: and happy will it be for the nations possessing that faith, if they can be brought to perceive their moral and political degradation; to exchange the pilgrimage to Mecca for excursions into the regions of knowledge and science. We might then hope that the stern character of Mahomet would regenerate the descendants of those mighty warriors who subdued the empire of the east, and carried the horse tails to the capital of the west. Nor can we be indifferent to the progress of the fortunate soldier who sits upon the throne of the Pharaohs. Centuries of darkness and servitude have rested upon the land of the Nile; the cradle of the arts and sciences, it has long been their tomb. Its history, like the source of the mighty river which gives it fertility, eludes our research, and its monuments have survived the memory of their founders and the objects of their construction. Even here, the light of knowledge is penetrating; and its pyramids may yet be gilded by the setting rays of the sun of science, as in the infancy of the world they were gilded by its rising beams.

“And Greece, too, is awakening from the slumber of ages. She has cast from her the incubus of Turkish despotism, and is again displaying that standard which triumphed at Marathon and Salamis. And who has not deplored her sufferings, and rejoiced at her emancipation? And what prouder triumph have knowledge and science ever gained, than the imperishable fame which the deeds of her statesmen and warriors, the works of her artists, and the productions of her poets, and historians, and philosophers, have conferred upon the land of Homer, of Aristides, and of Epaminondas? A region of country not larger than some of our counties, has riveted the attention of the world for twenty centuries.

To this day our earliest recollections are given to her history, our earliest associations to her fame and fortune. In boyhood we study the story of her rise and fall; in manhood we deduce from it lessons of practical wisdom; and in age we revert to it as an interesting chapter in the general history of the human family."

He pays a passing tribute to enterprise and commerce:

"Stimulating all to exertion, and every portion of the habitable globe has been explored. The causes of war are decreasing, and the desire to engage in it, by princes and people, diminishing. Ambition, indeed, is as reckless as ever, but no future warrior will reach an Indus, beyond which there are no worlds to conquer. And national glory is a meteor, yet mistaken by many for the fountain of light. National glory! The glory of destruction, and not of preservation; of want, of suffering, of misery, and not of abundance, of enjoyment, of prosperity; of death, and not of life. We may hope that this splendid pageant is passing from before the eyes of mankind. It will leave impressions not less sad than salutary. Of the productive industry of the ancients we have very imperfect notions. Their historians seem unwilling to leave the great highways of war, and battles, and splendid national affairs, and explore the by-ways which led to private life, and manners, and employments. Statistical researches were almost unknown, and exactness in political science unheeded."

In commenting upon the various improvements and discoveries in the arts and sciences, and contrasting the present with former ages, he finally reaches astronomy; and of this he says:

"There is nothing within the whole range of the human imagination which so forcibly impresses upon us just conceptions of the infinite power of Him who made, and preserves, and may destroy these works of his hands; perhaps for purposes unknown to us, and to be replaced by others, as these may have succeeded a more ancient creation. The telescope has drawn these worlds towards us. It has shown that points of matter, many of them scarcely visible to the naked eye, are among the most stupendous works of Providence; while a kindred instrument has revealed to us a world of animated beings, near us, indeed, and around us, but utterly unknown till the invention of the microscope. Where these discoveries are to end no man can tell. Already have we passed the boundaries prescribed to unassisted nature, and brought the greatest and the smallest, the nearest and the most remote of

God's works within our view. We may yet ascertain that many portions of matter, apparently inanimate, are congeries of living beings, performing the functions assigned to them, and each enjoying his allotted share of happiness. But the mind withdraws from these speculations, overpowered by their immensity and infinitude, and seeks relief in the contemplation of other objects."

But of these arts and sciences he observes :

"They do not constitute the only melioration which has taken place in the condition of human life. Pestilence, famine, and conflagration were vials of wrath which were poured out upon the ancient world, but which have been rendered almost innocuous by the progress of useful knowledge. I will not hold up to your view such facts, scattered over the records of history, as show the sufferings formerly inflicted upon mankind, by the frequency and extent of these terrible calamities, through the successive eras of human woe ; from the famine 'which was over all the face of the earth,' when the sons of the patriarch went down to Egypt to buy corn, that they 'might live and not die;' and the contagion which carried death into every family of Israel, while the messenger of divine wrath punished the pride of the ruler and the people, down to the memorable conflagration of Rome, kindled by the imperial monster who then filled the throne, that he might sing upon his lyre the destruction of Troy, while a greater than Troy was burning around him. These visitations mark every chapter of the history of nations, and their baleful effects have been felt in modern times. But science and the arts have interposed themselves between these destructive agents and their victims ; they stand between the living and the dead, mighty to protect, if not to overcome."

He unrolls the historical canvas of the middle ages, and geographically describes the low condition of man and mind in that benighted period of human existence. He speaks of the dawn of another sun in the intellectual firmament, and the fresh impulse given to mutual improvement ; but adds :

"Let us indignantly discard the utilitarian doctrine which would teach us to estimate the value of all improvement by its power of application to the acquisition of wealth, or to the business pursuits of life. There is already enough of selfishness in human nature, without making this principle of action the foundation of our knowledge, and the object and reward of moral and intellectual

cultivation. To eradicate this great motive of exertion would be impossible were it attempted, and injurious were it possible. But it is the part of true wisdom to circumscribe the sphere of its operation, and to guide and control its application, that it may furnish a moral stimulus in the performance of the duties of life, and not an intoxicating draught, paralyzing the faculties, or presenting but one object for their contemplation.

“The powers which Providence has given have been wisely given for action and enjoyment. Judgment, taste, genius, imagination, these endowments were bestowed that they might be employed, cultivated, and improved. They are among the purest elements of human happiness, and the pleasures they bring are rational, innocent, and enduring. They quicken and invigorate that sensibility which is one of the best safeguards of virtue; which adds to the power of conscience and the fear of responsibility, the restraining dread of self-abasement.”

Omitting no topic which naturally came within the proposed scope of this intellectual effort, he expresses the opinion that this country has little to fear from overgrown fortunes and general luxury; and that we may look, without apprehension, to the progress and cultivation of every branch of literature and all the departments of the arts. His own language is preferable.

“The state of society in our own country, as well as some of the fundamental principles of our political institutions, is happily opposed to this, the last and worst calamity of decrepit nations. Distinctions of rank are unknown among us, and the distinctions of wealth, where wealth confers them, are soon scattered to the winds by that tendency to distribution which is one of the original laws impressed upon our system. No legal barriers are erected, behind which imbecility and profligacy can secure themselves from the just consequences of their improvidence. Estates are left to be preserved or lost, as those who possess them may be prudent or profligate. Our statutes of conveyance, and of inheritance, and distribution, are some of the peculiar characteristics of our condition, which promise permanence and stability to our government and institutions. They are not indeed among the declarations of natural rights and political principles which our fathers, in the hour of trial and danger, committed, with their own lives and fortunes, to the course of events, and which have since been engrafted into our own written constitutions; but

among all these splendid truths, there is, perhaps, not one destined to produce a more permanent effect upon the character and prospects of our country and countrymen, than the regulations which govern the conveyance and descent of property. Wise in their principles, and more salutary in their operation, than the septennial reversion of the Jews, or the agrarian law of Rome, they leave to individuals proper motives for exertion, and the just rewards of their industry and enterprise in the accumulation of wealth; while, in the freedom from all restraint, except the will of the owner, they ensure its distribution among the community in good time and without violence. The innumerable streams of private wealth, as they pass along to fertilize the land, successively increase, and diminish, and disappear, leaving new fountains to spring up and new channels to be opened."

And as he draws this profound and beautifully written address to its close, he proceeds to say :

"The works of genius, the noble inheritance which antiquity has bequeathed to us, furnish objects of study and models of thought for our youth. Long may they continue to appreciate their value; to draw intellectual wealth from these rich treasures of taste and learning. There is a period in human life when the memory is plastic and the judgment weak; when facts can be collected and deposited in the great mental store-house, to be examined, and selected, and combined, after the other faculties have gained strength and maturity. This is the time for the acquisition of the ancient languages—time which may be profitably devoted to these and kindred pursuits, without any sacrifice of those other great objects of education which require the co-operation of the higher powers of the understanding.

"The philosophy of speech is itself one of the most interesting objects of human contemplation, and the structure of languages is intimately connected with the character and condition of the people by whom they are spoken. Greece and Rome have left in the modern tongues many witnesses of their own, and it will not be denied, that a full knowledge of the English language can not be obtained without a general acquaintance with these ancient languages. Their artificial and transpositive arrangement, rendering many inflections necessary to their comprehension, and sacrificing simplicity to euphony, is a curious subject of speculation, and exhibits one of the most striking characteristic differences

between ancient and modern nations. These views are sufficient to redeem our schools from the imputation of an unprofitable application of their time to barren and useless pursuits. But their justification, if justification be necessary, rests upon other and higher considerations. The learning of the ancient world, its sentiments, experience, and feelings, are embodied in those imperishable productions of Grecian and Italian genius which have come down to us as fresh and green as when they first excited the admiration of mankind. Those fortunate and favored regions, kindred indeed in the bounties which nature has given them, but rivals in arts, in arms, and in fame, were the repositories of much that was valuable in human life, and the theater of almost all that was splendid in human action. They are yet the high places of the earth, where pilgrims from every land go up to survey the dilapidated memorials of taste and genius which adorn their solitary spots, and to meditate upon the instability of human power where the foundations of power were the deepest and strongest.

“But there are monuments of Grecian and Roman power which no barbarism can overthrow, and where no tainted breeze can carry desolation. These are the trophies of peace and not of war: the triumphs of opinion and not of force. To us and to our youth, who inhabit a land beyond the world of Strabo and Ptolemy, these memorials of departed greatness and knowledge are the more precious because they furnish the only bond of connection between this western hemisphere and the early abodes of science and freedom. We can not survey the plains of Marathon, and strengthen our patriotism by its glorious recollections. Nor can we view the scenes of ancient martyrdom, and there find our piety elevated by the contemplation of the faith and courage which sent many of the early Christians through tortures to death, and through death to their reward. These associations are wisely given, and where they may, let them be profitably employed. But we can recall the events which laid those lovely regions desolate, and can bless God the more fervently for the country, and government, and religion He has given us. We can draw lessons of wisdom from the past, and if the future is beyond our view, we may still learn to indulge in useful anticipations.

“As time passes over us, it will consecrate the scenes of our

own memorable events, where courage, and constancy, and patriotism devoted themselves nobly and generously to the cause of their country, in the days of her trial and danger. Your State contains its full share of these sacred spots, and not the least interesting is in your own vicinity. The stream which gives beauty to the landscape around, and which now flows through a peaceful and prosperous region, once saw the advance of a Christian banner, surrounded by civilized and savage forces, prepared to do those deeds of horror which, we may trust, will never again desolate our frontiers. The great lakes which stretch along your borders have been the scenes of desperate conflicts; and even now, as the traveler proceeds up Lake Erie, he points to its western islands as the Greek patriot points to the Gulf of Salamis; to the place where the lamented Perry gained his victory with Spartan courage and made his report with Spartan brevity. There no monument can be erected, in its freshness to gratify our pride, nor in its decay to hallow our recollections. The waves roll, and will roll, over it; but whoever passes by with no kindling emotion, no desire to recall the glorious story, nor to associate its incidents with the islands and shores around him, no determination to follow the bright example of those who there triumphed in life and death, let him distrust his own heart, and let his country distrust him."

The attendance of the Alumni of Hamilton College on this occasion was numerous; and in the evening, Gerrit Smith, president, in the chair, they unanimously passed the following resolutions:

"Resolved, That the thanks of the Association be presented to His Excellency Governor Cass, for the able and eloquent address this day delivered by him.

"Resolved, That Governor Cass be requested to furnish a copy of the address for publication.

"Resolved, That Theodore S. Gold, Charles P. Kirkland, and Samuel D. Darkin, be a committee to communicate the preceding resolutions to Governor Cass."

As a further token of respect, he subsequently received from Hamilton College the honorary degree of LL.D.

CHAPTER XV.

General Cass resigns the Office of Governor—President Jackson invites General Cass to the Head of the War Department—His Acceptance—Public Demonstration at Detroit—Address of Major Biddle in behalf of People of Michigan—The Reply—The Congratulations.

In July, 1831, General Cass resigned his office as Governor of Michigan. He had administered the government for a period of nearly eighteen years, with signal ability. He had been appointed six times,—running through the presidency of Mr. Madison, Mr. Monroe, and John Quincy Adams,—without a single representation against him from the people in all that time, or a single vote against him in the Senate. Our territorial history contains no similar mark of confidence. As his first appointment in 1813 was wholly unexpected, so was each renewal entirely unsolicited. In fact, his administration was conducted with so much wisdom, and gave such universal satisfaction to the people, that they regarded his continuance as a matter of course. He had faithfully discharged the duties of his Indian Superintendency, of a wider circuit of country than any man before or since has had under his direction, commencing with over forty thousand Indians, and quite nine thousand warriors. He had concluded nineteen treaties with the Indians, and acquired large cessions in Ohio, Indiana, Illinois, Michigan, and Wisconsin, to an amount equal, perhaps, to one-fourth part of the area of those States, and each productive of important results to the government. In all their villages, his name was familiar; and, in all his transactions with this wandering, peculiar race of people, he acted with a just and enlightened regard for their interests, and took good care that they should not suffer wrong. No treaty negotiated by him was ever rejected by the Senate, nor was a representation ever made against one of them by the Indians—a rare occurrence, and one which is no doubt owing to the great fairness and justice of the proceeding. He was often pained to listen to their tales of suffering, resulting from the avarice of the trader, and frequently interposed the executive arm, to shield them from

imposition. He had been to them, indeed, what he professed, as the representative of the government, namely, their father. So they regarded him, and so they meant, when, in addressing him, they gave him that title. Consequently, his influence was unbounded; and, by not using that influence for personal purposes, he retained their confidence and friendship. Had not this been the case, he would have fallen far short of accomplishing so much good for the benefit of his country. He has had more official business with the Indians than any other man. Soon an adept in his knowledge of their character, he knew how to comport himself, as we have seen, on any occasion and emergency. Prompt and punctual in all his engagements with them, it all resulted to the good of the people. When he began his administration, he found the country small in white population, without resources, and in a deplorable state; the devastations of war were felt and seen in all directions: he left it with a widespread population, and thriving with unrivaled prosperity.

One other illustrative fact may be worth narrating, as it shows the difficulties which beset his intercourse with the Indians, arising out of their peculiar opinions. To deceive the whites is a most justifiable action, in the estimation of the Indians; very little dependence can be placed upon their statements when they have the least temptation to deceive. In the Lake Superior country, in 1820, General Cass was traveling with an interpreter and one or two other white men and some Indians. Ascending a hill, they suddenly came upon a large bear, which had been caught in a trap,—a heavy log, slightly held up, and with a bait, by touching which it falls. The bear was held by his hind legs, but was very strong and ferocious. One of the Indians immediately shot him in the head; and as soon as he had done so, and ascertained that he was dead, he walked up to him, and taking him by the paw, he shook it, exclaiming,—“It was not me that killed you; it was those white men.” The Indians have some superstitious notion attached to the killing of a bear, fearing that under some circumstances, when he knows who occasioned his death, he will disturb his hunting-grounds in those regions where they think bears and Indians must all finally go. The fearlessness of assertion, which belongs to Indian character, was strongly manifested in this contradiction of the truth, made at the very moment of his own action.

Andrew Jackson had entered upon the duties of the Presidency of the United States on the fourth of March, 1829. As his measures—especially upon the subject of the tariff, internal improvements and finance—would differ from those of his immediate predecessor, he called around him a new list of cabinet counsellors, and the former heads of Departments retired from office with Mr. Adams. This new cabinet was selected from among the many distinguished men who had supported the claims of General Jackson in the presidential contest of 1828, and all were members of that political party which, by common consent, was called the Democratic, having, for its immutable base, the governmental doctrines enunciated by Mr. Jefferson thirty years before. It had been reported in many of the newspapers, that the cabinet of his predecessor had not harmonized upon all questions; and to avoid collisions of sentiment, as well as to give his country the benefit of measures emanating from many minds, but united in one, General Jackson resolved, at the outset, that his cabinet must be a unit. With this view, the States of New York, Pennsylvania, North Carolina, Georgia, Tennessee, and Kentucky, furnished his counsellors. Martin Van Buren, who had been inaugurated Governor on the first of January previous, came from New York, and took charge of the State Department. The foreign relations of our country were in an unsettled condition; and to be managed with national propriety and honor, great address and unremitting labor were requisite. There were many complicated questions with the British government to be adjusted; and the new Secretary of State diligently endeavored to execute the task. After the lapse of several months, as well for the purpose of closing these open questions more speedily as to dissipate the mist which, quite unnecessarily, seemed to shroud the domestic relations of many of the officers of government, Mr. Van Buren, in the winter of 1831, resigned the port-folio of State, and was appointed Minister to London. This vacancy disturbed the equilibrium of the cabinet as originally cast, and the other members, with the exception of Mr. Barry, resigned. It, therefore, became necessary for the President to form a new cabinet, but its re-construction was not completed until the August following.

General Jackson was aware that much was expected from him by a large majority of the American people; and that it was an

imperative duty to call around him the ablest talent, united to long tried experience. He had favorably known General Cass since 1806. He had aided Mr. Jefferson in the south-west, the same as General Cass had done in the north-west. He had defended New Orleans, when General Cass was defending Detroit. The former had fought in the war of 1812 in the south-west, while the latter sustained the flag of the nation in the region of the lakes. And although since then, General Cass had been withdrawn from the arena of party politics outside of his Territory, yet his political sentiments were well known.

The President was pre-eminent over his cotemporaries in his ready perception of the character and capacity of others; and believing, undoubtedly, that General Cass' mind and experience would be of paramount service, he called him to the head of the War Department. The invitation was accepted, and General Cass entered upon his new duties in August, 1831. With him was associated in this new cabinet, Edward Livingston, of Louisiana, in the State Department; Louis McLane, of Maryland, in the Treasury; Levi Woodbury, of New Hampshire, in the Navy; Mr. Barry, of Kentucky, as Postmaster-General; and Roger B. Taney, of Maryland, as Attorney-General. All these gentlemen had been in public life, and were eminent for their business capacities, integrity, and devotion to the Union.

But the people of Michigan, over whom he had presided for so many years, regretted the separation: they preferred, for themselves, that he should continue with them. He commenced his official career with them, when gloom covered the land: among them he had lived and associated through many a trying year, and had served them in the triple capacity of ruler, adviser, and friend; and they were adverse to the severance of this personal and political connexion. The invitation to join the venerable patriot at Washington was equally unexpected to them and him; and General Cass, it is almost needless to add, fully appreciated the responsibilities of this new position. Yet, the same sense of duty which induced him, in 1813, to exchange the comforts of a civilized home in Ohio, for the hazards and privations of frontier life in Michigan, now prompted him to obey the voice of his country, through her Chief Magistrate, summoning him to a more elevated and extended sphere of action.

His fellow-citizens, however, were unwilling that he should go

out from among them, unaccompanied by some token of their approbation and friendship, and on the eve of his departure from Detroit, they tendered him the compliment of a public dinner. And the proceedings on this memorable occasion are evidence so unmistakable of their attachment to him, that a perusal will afford a more correct view of the relations existing between the distinguished guest and his many friends, than any other mode of narration.

The address of Major John Biddle, who presided on the occasion, was as follows :

“YOUR EXCELLENCY :—Our fellow-citizens have assigned to me the office of expressing the sentiments which your intended departure from among them has universally called forth. To be the organ of conveying to you these sentiments is a most grateful duty, sympathizing, as I do, very sincerely in the general feeling.

“Many of us have witnessed your administration of the affairs of this Territory for a series of years, which embrace a large portion of the active period of life. The situation is one of the most difficult to which an American citizen can be called. The public officer who is delegated, without the sanction of their suffrages, over the affairs of a people elsewhere accustomed to exercise, in its fullest extent, the right of self-government, is regarded with no indulgent feelings. The relation is truly colonial, and the history of territories, like other colonial history, has been too often a mere chronicle of the feuds of the governing and the governed, exhibiting a domineering and arbitrary temper on the one side, met by a blind and intemperate opposition on the other.

“From the evils of such a state of things we have been happily exempted. You have preserved harmony by wisely conceding to public opinion that weight to which it is entitled under every government, whatever may be its forms ; thus giving to your measures the support of the only authority to which the habits of American citizens will allow them cheerfully to submit. The executive powers of the Territory have been administered in the spirit of republican habits and principles, too firmly fixed to yield to temporary circumstances, leaving the people nothing to desire but an occasion to manifest their approbation, by bestowing themselves an authority so satisfactorily exercised.

“Of the manner in which yourself and most estimable family have performed the courtesies, as well as the graver duties of

private life, I will permit myself to say no more than that it has been duly appreciated, and has left an impression not easily to be effaced.

“The people of Michigan will long remember your zealous and successful exertions to promote their welfare, and, if the present separation should prove a final one, be assured that they will look, with affectionate interest, to your future career, hoping that in a more extended field of usefulness it may be as honorable to yourself, and as beneficial to your fellow-citizens, as that has been which you are now about to terminate. Allow me to propose :

“Lewis Cass—Health and happiness attend his future course. May the people of the United States duly appreciate the talents and integrity which Michigan has contributed to the public service of the Union.”

This sentiment, so felicitously given, was received with vociferous and prolonged cheers by the audience, which now crowded the large dining-room of the hotel, and filled the doors and windows and the adjoining halls. Mr. Biddle struck a chord which thrilled the heart of that large and intelligent assembly. The leading citizens of the Territory, without distinction of party, had come to bid their Governor, of eighteen years' continuance, an affectionate farewell. It was not a mere feast, or passing compliment; and their speaker, in the most simple and unadorned language, had given utterance to feelings and sensations which alike animated all.

When the applause had partially subsided, their honorable guest, most naturally affected by these evidences of warm attachment and earnest regard, falteringly rose from his seat, almost wishing that his sense of public duty would permit him to remain continually with his neighbors and friends, and responded as follows :

“FELLOW-CITIZENS :—I return my sincere thanks for this distinguished mark of your regard, as well as for the very kind manner in which your sentiments have been conveyed to me by the gentleman who has been called to preside at this festive board. This numerous and respectable assemblage furnishes but another manifestation of that kindness which has never deserted me, during the period of eighteen years in which I have administered the executive department of the territorial government, and under many trying circumstances, both in peace and war. At the

commencement of that period, the Territory had just been rescued from the grasp of an enemy. Its population was small, its resources exhausted, its prospects cheerless. The operations of the war had pressed heavily upon it, and scenes of suffering and oppression had been exhibited, to which, in the annals of modern warfare, we may vainly seek a parallel. We have only to look around us to be sensible how great is the change which has since taken place in our condition. The Peninsula has been explored in every direction, and its advantages ascertained and developed.

"The current of emigration has reached us, and is spreading over our forests and prairies. Settlements have been formed, villages founded, and roads opened in every direction. All the elements of social order and prosperity have been called into action, and are combining to form another republic, almost prepared to ask admission into that confederacy which, protecting all in its hour of security, may appeal to all in its hour of danger, should danger ever approach it. This great advantage is due to the intelligence, industry, and enterprise of our countrymen. These causes will continue to operate, until the vast plain extending from Lake Erie to Lake Michigan, shall furnish through its whole extent, another example of the powerful effects of free institutions upon the progress and prosperity of a country.

"I have been called, fellow-citizens, to another sphere of action. To one where your generous confidence can not alone support me, and where, I am apprehensive, I shall find the duties as far beyond my abilities, as the appointment itself was beyond my expectation. But wherever I may go, or whatever may await me, I shall cherish with unfading recollection the events of this day, and the sentiments you have expressed towards myself and towards those whom nature and affection have made the nearest and dearest to me. In severing the connection which has heretofore united me to the Territory, permit me to thank you for all the kindness I have received from you. I can claim only the merit of having endeavored faithfully to execute the trust reposed in me, and if, at the termination of my long period of service, I leave you without a party for or against the executive, to your partiality, far more than to my services, must this result be attributed. For that forbearance, as well as for all other marks of your favor, and especially for this, the latest and the last, I beg leave to express my feelings in a sentiment :

“The citizens of Michigan—May they be as prosperous as they have been to me kind and generous.”

The great regret manifested by the inhabitants, on this occasion of parting, ought not to be forgotten, and is, in itself, one of the most convincing proofs how eminently fit their friend was for discharging the duty of a chief magistrate.

Seldom has it been the good fortune of a territorial governor, clothed with the extraordinary powers conferred by the ordinance of 1787, to retire from the station without some murmur of disapprobation reaching his ears, or without having afforded opportunities for the indulgence of unpleasant feelings. In this instance, neither existed, and with that generosity of heart common to the people of the west, which prompts them to render justice, did the people of Michigan unhesitatingly proclaim their approbation of the administration just closed.

CHAPTER XVI.

General Cass assumes the duties of Secretary of War—The Cabinet—Reforms Introduced—His Family—His Indian Policy—His first Report—Indian Difficulties in Georgia—General Cass reviews the Decision of the Supreme Court.

General Cass reached Washington with his family early in August, 1831, and entered upon his duties of Secretary of War. The successor of John H. Eaton, by resignation, his appointment was unanimously confirmed by the Senate, on the thirtieth of December following.

This post of duty under the general government, was full of responsibility and labor on all occasions; but, as we shall soon see, it was destined to be much more so for a few years to come. Party spirit had reached an alarming height, far exceeding any that had hitherto occurred in the political annals of our country. Men of solid intellect, far-reaching sagacity, and commanding popular influence, were arraying themselves in formidable strength against that man of single purpose and incorruptible integrity, whom the sovereigns of the Republic had called from his lowly home in Tennessee to the cares and responsibilities of the presidential mansion. Unfortunately, all will admit, as he was fairly putting the ship of state on the democratic tack, it became necessary to exchange his crew, and that, too, in the midst of his voyage. With what firmness and philosophy he met such an unexpected crisis, is already embalmed in the eternal remembrance of the civilized world.

Mr. Livingston had been one of the earliest and most efficient advocates of the views of the democratic party, and the zealous co-laborer of Mr. Jefferson in its formation. General Jackson was much attached to him, as well from early political association as from later intercourse growing out of the campaign of New Orleans, when Mr. Livingston was his volunteer aid-de-camp, but in fact his trusted adviser in the difficult questions, legal and others, growing out of the events of that stirring period. He was a man of extensive information, of great powers of application, of much simplicity of character, with acknowledged probity of

purpose, and was, withal, a learned jurist. He had much to do in the preparation of the celebrated proclamation of General Jackson against nullification, and it is probable that that memorable state paper owes much of its arrangement to his cultivated taste and vigorous style. But the views it embodies, and the train of reasoning it pursues, are those of General Jackson, marked with that power and clearness which were prominent traits in his character, and many of its expressions betoken him to be their author. His master-spirit pervaded the whole document.

Mr. McLane enjoyed the confidence of General Jackson, and merited it. He belongs to the great statesmen of our country. A prompt and fearless debater, a close reasoner and a sagacious observer, joined to high intelligence, he had attracted public attention by his efforts in Congress, and by his diplomatic services abroad, and he carried to the two executive departments, over which he presided in succession, the fruits of much experience, and one of the clearest heads, and soundest hearts, that ever entered the public service, and he well fulfilled the expectations formed of him. He had great firmness of purpose, as well as independence of character, and these were precisely the mental traits to attract the attention, and to ensure the esteem, of General Jackson. When the question of the removal of the deposits was under consideration, Mr. McLane and General Cass opposed the measure in the cabinet deliberations, and upon all occasions, when the subject came up, expressed to the President their disapprobation of the proposition. The argument prepared by Mr. McLane, at General Jackson's request, was marked by strong reasoning and extensive information; but, as it found, so it left his resolution, unshaken; and it is a proof of his magnanimity, that he never manifested the slightest disapprobation at the course of Mr. McLane and General Cass in opposition to a favorite measure, to the accomplishment of which he devoted all the energies of a powerful will, and of a mighty understanding. Both of these gentlemen requested him to permit them to leave his cabinet, lest their known opposition to the project might weaken the strength of the administration. Their position is well known; for all the circumstances were fully developed by Mr. Duane, then Secretary of the Treasury, in a publication made by him, and the country was therefore fully aware of the diversity of views which

prevailed among the official advisers of the President upon this subject, and of the discussions, not to say differences, to which they gave rise. But General Jackson would not listen to a proposition for their retirement. He met the application with the sternest refusal. He expressed the fullest confidence in the dissentients, and said that in calling for their opinions he did so in good faith, and because he wanted their views upon so important an occasion. These he had obtained, though he should follow his own opinions and carry out the measure; he wished from them neither the sacrifice of place nor opinion, but only when the project was determined upon, its execution should be no longer opposed.

The deposits were removed, and time has pronounced its judgment of approval upon the course of General Jackson. Few can now be found who will deny the wisdom of the measure, and among the converts whom experience has made are the two members of General Jackson's cabinet who took ground against it. General Cass, after his return from France, in conversation with Mr. McLane, found that the conduct of the Bank of the United States had satisfied them both that it had become an improper depository of the public revenue, and that the separation of the government from all connection with it, was dictated by a just concern for the interests of the country. Not long after, General Cass visited the Hermitage, where he had much conversation with its venerable possessor, whom he found, though frail and in feeble health, unimpaired in his faculties, and retaining that ardent temperament which had marked his earlier years. Among other topics, the removal of the deposits was adverted to, and General Jackson expressed much gratification when he learned that Mr. McLane and General Cass had become satisfied that the measure was a wise one. And especially was he gratified at the change of views in Mr. McLane, of whom he pronounced this high eulogium, that he had never known a man for whom he had more personal respect.

The present universally esteemed Chief Justice, and his late associate upon the bench of the Supreme Court, Judge Woodbury, added much by their characters and services to the confidence of the country in the second cabinet of General Jackson.

As for the President, the judgment upon himself and his administration has been already pronounced beyond the power of

appeal. History will confirm the favorable opinion of his contemporaries. He carried to his high station some of the best qualities of our nature. Promptitude of action, vigor of intellect, honesty of purpose, fearlessness of purpose in a just cause, and an intuitive sagacity which led to correct conclusions by a process almost unknown to himself,—these were the elements of power which gave him a hold upon his countrymen second only to that possessed by Washington. He was often charged with rashness, with action without due deliberation. But this was a false view of his characteristic habits. Few men surveyed the ground around him more carefully than he did. No important question was presented to him for decision which he did not maturely examine, looking at its bearing and its consequences. During the process of forming an opinion, he often passed whole nights revolving the subject in his mind. He told General Cass, while conversing upon this subject, that his state of feeling was sometimes painful when the matter was surrounded with difficulties and involved important consequences. But all this anxiety ceased the moment he decided upon his course; he never went back in his purposes, but pressed forward to their execution when once resolved upon. Inquiry then gave way to action, and deliberation to execution.

The War Department at that day embraced a wider range of duties than any other department. The business of the army proper, with its multiplicity of relations, in its entire circuit of distance and service, was large, even in time of peace, and demanded the constant care and attention of the head of the department. But, in addition to this, his time was necessarily much occupied in the adjudication of constantly occurring and never ending private claims. Contracts, without number or limit, in the management of Indian affairs—the clearing out of river and harbor obstructions—the erection of breakwaters and other public works, it was his province to make, and he was responsible to the people for their execution in conformity to law. The pension list it was his duty to supervise; claims for extra labor and materials, outside of contracts, fell under his notice to look after and settle. These duties—in addition to those of a more delicate and responsible character, as the confidential adviser of the President—were herculean, and calculated to try most thoroughly the strength of the Secretary. The disposition of the many

claims, so as to do justice to all concerned, was frequently attended with embarrassment and procrastination—inasmuch, that it would have been strange if the individuals interested, to whom, of course, the case was always clear, did not sometimes complain and express wonder at delays, and, perhaps, sometimes talk of indecision and want of firmness. And to this he might have frequently interposed, in reply, the memorable remark of Lord Chancellor Eldon, when some of the London journals said he was too slow in coming to his decisions—one of them remarking, that it was as easy to decide most of his cases as to tell the difference between black and white. “Yes,” said the old Chancellor, “if they were black *or* white; but I find most of them *gray*!” So it was with the Secretary. He found many cases no easier to decide off-hand, and all calling for careful investigation, in order to do justice between the government and the parties. This to the impatience of the latter may sometimes have indicated indecision; but to the disinterested, the only wonder is, that, unlike many of his predecessors, amid the performance of duties more primary, because more national, he left so few for the consideration of his successors.

General Cass appreciated the responsibilities thus so unexpectedly thrown upon him, and with a fixed determination to perform his whole duty, he brought to the work all his energies and the experience of an active and practical mind. Accustomed, for thirty years, to rise early for the labors of the day, and to retire early for the repose of the night, he resolved to continue so to do, despite the calls of gayety and festivity. This was accomplished; and, with a clear head and fresh energies, he was enabled to perform more official labor and transact more official business than most persons in official station. The reader, however, should not suppose that either himself or family were unmindful of what belonged to their position. None were more scrupulous in their observance of all the politeness which a sense of common propriety may have introduced from time to time among the visitors and sojourners at the capital of their country. None were more hospitable, none were more strenuous in their efforts to make the society of Washington pleasant and agreeable.

Familiar with the general affairs of the nation, and intimately acquainted with all that appertained to the army and the Indians,—the two leading points of attention,—General Cass

comprehended his duty; and when the time arrived for Congress to convene, he was ready to submit the condition of his department to the President, and through him to the National Legislature.

In his report of December, 1831, he called the attention of the President and Congress to the necessity of certain reforms, calculated, in his judgment, to facilitate the transaction of business, and give more efficiency to the arm of national defense committed to his care. The great question of Indian policy was more directly under his control than when acting as Governor of Michigan. To the examination of this subject he brought the knowledge acquired by the experience of many years of personal intercourse with the Indians. He was, therefore, fully prepared to give an extended view of their condition and the duty of the government towards them. His sentiments on the policy of removal were well known, and the observation of a series of years had confirmed his early formed opinion, that the removal of the great body of Indians to "the sunset side" of the Mississippi, must ultimately be consummated. This question was of momentous consequence to the people of the United States, and not unfrequently was the subject of angry discussion. Misrepresentation and recrimination against the justice and honor of the government were sometimes indulged in, in high quarters. No man was more qualified to explain the difficulties and perplexities, or to devise means to avoid them, than the Secretary. He was, accordingly, invited by the President to make that subject a feature of his annual report; and he remarks :

"The condition and prospects of the aboriginal tribes within the limits of the United States are yet the subjects of anxious solicitude to the government. In some of the States they have been brought within the operation of the ordinary municipal laws, and these regulations have been abrogated by legislative enactments. This procedure renders most of the provisions of the various enactments of Congress upon this subject inoperative; and a crisis in our Indian affairs has evidently arrived, which calls for the establishment of a system of policy adapted to the existing state of things, and calculated to fix upon a permanent basis the future destiny of the Indians. Whatever change may be contemplated in their situation or condition, no one will advocate the employment of force or improper influence in effecting it. It

is due to the character of the government and the feelings of the country, not less than to the moral and physical imbecility of this unhappy race, that a spirit of kindness and forbearance should mark the whole course of our intercommunication with them. The great object, after satisfying ourselves what would best ensure their permanent welfare, should be to satisfy them of the integrity of our views and of the wisdom of the course recommended to them.

“The Indians who are placed in immediate contact with our settlements, have now the alternative of remaining in their present positions or of migrating to the country west of the Mississippi.”

The Secretary then, in an able and ample manner, considers the question, whether the Indians could maintain their existence as a nation so long as they remained in contiguity with the settled portions of the country; and reaches the conclusion, that removal from the contact of civilization is their only alternative to ensure perpetuity.

“A change of residence, therefore, from their present positions to the regions west of the Mississippi, presents the only hope of permanent establishment and improvement. That it will be attended with inconvenience and sacrifices, no one can doubt. The associations which bind the Indians to the land of their forefathers are strong and enduring, and these must be broken by their migration. But they are also broken by our citizens, who every day encounter all the difficulties of similar changes, in pursuit of the means of support. And the experiments that have been made satisfactorily show that, by proper precautions and liberal appropriations, the removal and establishment of the Indians can be effected with little comparative trouble to them or us. Why then should the policy of the measure be disputed or opposed? The whole subject has materially changed, even within a few years, and the imposing consideration it now presents, and which is every day gaining new force, calls upon the government and the country to determine what is required on our part, and what course shall be recommended to the Indians. If they remain, they must decline, and eventually disappear. Such is the result of all experience. If they remove, they may be comfortably established, and their moral and physical condition ameliorated. It is certainly better for them to meet the difficulties of removal

with the probability of an adequate and final reward, than, yielding to their constitutional apathy, to sit still and perish.

“The great moral debt we owe to this unhappy race is universally felt and acknowledged. Diversities of opinion exist respecting the proper mode of discharging this obligation, but its validity is not denied. And there certainly are difficulties which may well call for discussion and consideration.

“For more than two centuries we have been placed in contact with the Indians, and if this long period has been fruitless in useful results, it has not been so in experiments, having in view their improvement. Able men have been investigating their condition, and good men in improving it. But all these labors have been as unsuccessful in their issue as many of them were laborious and expensive in their progress.

“The work has been aided by governments and communities, by public opinion, by the obligation of the law, and the sanction of religion. But its history furnishes abundant evidence of entire failure, and everything around us upon the frontiers confirms its truth. The Indians have either receded as our settlements advanced, and united their fragments with some kindred tribe, or they have attempted to establish themselves upon reservations, in the vain hope of resisting the pressure upon them, and of preserving their peculiar institutions. Those who are nearest to us have generally suffered most severely by the debasing effects of ardent spirits, and by the loss of their own principles of restraint, few as these are, without the acquisition of ours; and almost all of them have disappeared, crushed by the onward course of events, driven before them. Not one instance can be produced, in the whole history of the intercourse between the Indians and the white men, where the former have been able, in districts surrounded by the latter, to withstand, successfully, the progress of those causes which have elevated one of these races and depressed the other. Such a monument of former successful exertion does not exist.

“Indolent in his habits, the Indian is opposed to labor; improvident in his mode of life, he has little foresight in providing, or care in preserving. Taught, from infancy, to reverence his own traditions and institutions, he is satisfied of their value, and dreads the anger of the Great Spirit if he should depart from the customs of his fathers. Devoted to the use of ardent spirits, he abandons himself to its indulgence without restraint. War and hunting are

his only occupations. He can endure, without complaining, the extremity of human suffering; and if he can not overcome the evils of his situation, he submits to them without repining. He attributes all the misfortunes of his race to the white man, and looks with suspicion upon the offers of assistance that are made him. These traits of character, though not universal, are yet general, and the practical difficulty they present, in changing the condition of such a people, is to satisfy them of our sincerity, and the value of the aid we offer; to hold out to them motives for exertion; to call into action some powerful feeling, which shall counteract the tendency of previous impressions. It is under such circumstances, and with these difficulties in view, that the government has been called upon to determine what arrangements shall be made for the permanent establishment of the Indians. Shall they be advised to remain or remove? If the former, their fate is written in the annals of their race; if the latter, we may yet hope to see them renovated in character and condition by our example and instruction and their exertions."

The Secretary then proposed the basis of a plan for the removal and establishment of the Indians in their future home:

FIRST.—That the country assigned to them should be guaranteed to them and their descendants, so long as they should continue to occupy it, and that it should be protected from the encroachment of the settlements of the whites.

SECOND.—That ardent spirits should be excluded from the new country.

THIRD.—That the United States should be at all times prepared with sufficient force to suppress hostilities which might occur among the different tribes.

FOURTH.—Encouragement to severalty of property, and such provision for its security as might be necessary for its enjoyment, not afforded by their own regulations.

FIFTH.—Assistance and instruction in the prosecution of agricultural pursuits.

SIXTH.—The enjoyment of their peculiar institutions not incompatible with their own safety and that of the people of the United States near them, and with the objects of their prosperity and improvement.

SEVENTH.—The eventual employment of persons to instruct them in the acquirement of civilization.

This plan was approved of by the President, and received the assent of every member of the cabinet. Congress, however, divided upon it. In the end there were but few of those who devoted attention to the subject, that were not satisfied with the arguments of the Secretary of War, and believed that his views should be adopted. It was evident that, as a people, the Indians could not be civilized, and that they could not be permitted to live as an independent community, governed by their own regulations, within the limits of a sovereign State. If permitted, a conflict would finally occur between them and the State authorities, and, worse than that, between the States and the general government. To avoid all this, removal was the sole alternative, and to General Cass belonged the accomplishment of this great and humane measure.

The Indians were made fully acquainted with the wishes and intentions of the government. No unfair dealing was permitted, and no coercive measures were adopted. Their agreement to remove was voluntary, and obtained by negotiation with them as beings capable of understanding their own interests.

The Indian question was assuming a most alarming aspect at the commencement of the administration of the War Department by General Cass. It was, to a considerable degree, involved in party politics, and the political difficulties attending it were increased by a decision of the Supreme Court of the United States, in the controversy between the Cherokees and the State of Georgia. This decision was adverse to the State, and confirmed the Indians in the opinion they had formed of their entire independence of the authorities of that State. The Secretary of War believed that the principles upon which it was based were erroneous, and, if practically carried out, would lead to the most dangerous consequences. He, therefore, in accordance with the request of the President, prepared a temperate review of the whole subject, as well to enlighten the people at large, as to produce a favorable effect upon Congress. If the principles of the decision were to prevail in the final judgment of the Court, whenever the naked question should be presented, whether State sovereignty was paramount as against the Indians, it was folly to expect a removal of the Indians in any section of the country, during the present century, at least, and this apprehension was beginning to be felt among the members of the two Houses.

The review was prepared with great care, and was read, in manuscript, to the cabinet. Every member coincided with the sentiments therein expressed, and it was published in the Washington Globe, on the thirty-first of March, 1832, and filled one half of that paper. The Secretary was understood by the people, generally, to be the author, and it immediately attracted universal attention all over the country. It was highly approved by those who took similar views of the question, and all admitted it to be unexceptionable in the manner in which the investigation was pursued. It was then supposed, and the reader is now informed, that this review was an authoritative exposition of the views of the Administration upon the subject involved in the general inquiry.

This remarkable paper thus commenced :

“It must be consolatory to every American, and in fact to all, wherever they may be, who regard with anxiety the progress and prospects of free principles through the world, that there is a sanitary influence in our institutions, which, if it can not prevent, can heal without difficulty or danger, those maladies to which all public bodies are from time to time liable. In looking back upon the history of our career and prosperity, and the generation has not yet disappeared which laid the foundation of both, many *questiones vexat* appear, each of which agitated the community in its own brief day, and some of which, either from the magnitude of the interests involved, or from the excitement that prevailed, threatened the most serious consequences to the stability of the government, and the prosperity of the country. But by the favor of Providence, one after another these have passed away, leaving our Union and our institutions unscathed. The present day is not without its own share of doubtful and difficult questions. Let us hope that they will be discussed in a spirit of mutual forbearance, and arranged in a spirit of mutual accommodation. Our national motto should remind us that we have become *one from many*, and if the example and the blessings which this Union has produced are to be perpetuated, we must seek, in a sense of interest and safety, and in a feeling of patriotism, the true power of cohesion. Upon the virtue and intelligence of the people we must rely in our seasons of danger. They have thus far been the ark of safety. It were presumptuous to doubt that they will be most efficacious when they may be most wanted.

"The 'Cherokee Question,' as it has been familiarly called, is one of those which has divided public opinion. It may be examined without offense to any one, either to the State which claims jurisdiction, to the executive of the general government, which has submitted its sentiments to Congress and the people, or to the judicial tribunals, which have been called upon to investigate it, and to adjudicate cases arising under it. We propose, with that freedom which is the privilege of an American citizen, but at the same time with that respect which is due to these high authorities, to review and discuss this subject. Truth is always valuable, and it is best attained by diligent inquiry. The public mind will eventually decide this matter, as it has decided so many others, wisely and safely, and in the meantime, every contribution, however humble, to the general stock of information, may be useful, and, at any rate, will be harmless. With this conviction, we proceed to the task before us."

The question is then stated :

"Without narrowing the controversy to a single point, we understand it, in general terms, to be this : Has the State of Georgia a right to extend her laws over the Cherokee lands within her boundaries? The consideration of this subject will lead to the investigation of those principles of intercourse which have been established between civilized and barbarous men, and to a retrospect of the practice and professions of the different nations who have planted colonies in America."

An historical and political examination of the whole subject then followed, which concluded with this summary :

"From this general review of the doctrine, the commentaries and the practice, these conclusions may be deduced :

"1. That civilized communities have a right to take possession of a country inhabited by barbarous tribes, to assume jurisdiction over them, and 'to combine within narrow limits,' or, in other words, to appropriate to their own use, such portion of the territory as they think proper.

"2. That in the exercise of this right, such communities are the judges of the extent of jurisdiction to be assumed, and of territory to be acquired.

"In the preceding investigation the attempt has been made to show that the rights of jurisdiction and soil, with such modifications as circumstances might require, were the necessary results

of the discovery and settlement of America. The proposition embraces the power over persons and things, because these subjects are closely connected in the elementary discussions, and in the historical review, and because the consideration of both was convenient for the course of the argument.

“But this union is not necessary for any purpose which has required the present examination. And in its further progress, the connection will be dissolved, and the inquiry will be confined to the question of political superiority. It will be conceded that the Indians are entitled, *sub modo*, to all their rights of property, and can not be divested of these without their own consent.

“But in the application of the general principles to the United States, and to the Indians in contact with them, a preliminary question arises, resulting from the peculiar form of government established in this country. Is the general controlling authority over the Indians vested in the federal government, or in the respective States?”

The Secretary then proceeds to discuss the question, whether the controlling authority, under the Constitution of the United States, is vested in the general government, or in the respective State governments, within whose jurisdiction the Indians live; and it is remarked:

“It is obvious that, in the solution of this question, the Indians have no concern. Their rights, whatever these may be, whether natural or conventional, are wholly independent of this inquiry. It is one which affects the parties to our own government, and it is to be decided by the Constitution which they have established. And whether that portion of sovereign power which regulates the rights and duties of the Indians, resides in the members of this Union, or in the united body itself, the relation which the two parties bear to one another will remain unchanged.

“It may be observed, in the investigation of this subject, that this attribute of sovereignty once belonged to the several States, and still belongs to them, unless they have ceded it to the general government. In the constitution of the latter, therefore, this evidence of cession must be found, before the power itself can be exercised.

“There are but three provisions in that instrument which have the remotest connexion with this subject.

“1. The power to dispose of, and make all needful rules and

regulations respecting the territory or other property of the United States.

“This clause evidently refers to territorial rights ; to the power to control and regulate these, and not to the exercise of jurisdiction over Indians living within the country claimed by them. It is, at all events, inapplicable to the Cherokee country in Georgia, to which the United States have relinquished all their pretensions. Under this clause of the Constitution, Congress passed laws to prevent intrusions upon the public land ; while, at the same time, the intruders are subject to the ordinary jurisdiction of the States within which such lands are situated. The power to dispose of, and make needful rules and regulations respecting the property of the United States, and the power to exercise general jurisdiction over persons upon it, are essentially different and independent. The former is general, and is given in the clause referred to. The latter is special, and is given in another clause, and confined to the federal district, and to ‘places purchased by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

“2. The power ‘to regulate commerce *with* foreign nations, and *among* the several States, and *with* the Indian tribes.’

“It will be recollected that the subject of the present branch of the inquiry is, where the ultimate jurisdiction over the Indian tribes resides. Is it given to the United States by this clause? Certainly not. This is a power to regulate commerce, and not to exercise jurisdiction. There is no necessary connexion between the two subjects, and the effort, in this instance, to unite them, leads to the one or the other of two absurdities—either that Congress has jurisdiction over foreign nations, or that entirely different meanings are to be given to the same words in the same sentence. The power granted is to regulate commerce *with* whom. *With* foreign nations and *with* the Indian tribes, and *among* the several States. Can any reasonable version be given to this sentence, by which it shall, in fact, read :—Congress shall have power to prescribe the mode in which commerce shall be carried on with foreign nations, and among the several States, and with the Indian tribes, and shall also have jurisdiction over the Indian tribes? The greatest latitudinarian, in the construction of the Constitution, will scarcely contend for this interpretation. We need not stop

to investigate the meaning of the word 'regulate.' Whether it gives more or less power over the subject matter, or over the white persons engaged in the trade, it gives none over the Indians themselves, unless it also gives power over the Englishman and the Frenchman, with whose countries our commerce may be regulated by Congress. But this will not be contended, and the conclusion is inevitable, that this 'regulation,' whether by treaty or by law, can give no political power and no rightful jurisdiction. It must be confined to the object to which it is limited by the Constitution.

"And, still further, if the idea of general jurisdiction be included in the term 'regulating commerce,' the general government may annihilate the whole State laws, and bring within its own authority all the people and property of the country. Constructive powers can scarcely go beyond this.

"After recapitulating certain provisions of the Constitution, which cede to the general government rights incompatible with the absolute sovereignty of the States, Mr. Justice McLean asks:

"Has not the power been as expressly conferred on the federal government, to regulate *intercourse* with the Indians, as any of the powers above enumerated? There being no exception to the power, (that of regulating the intercourse,) it must operate on all communities of Indians exercising the right of self-government, and, consequently, include those who reside within the limits of a State, as well as others.'

"To the question here put we answer, *No*. If such provision can be found in the Constitution, we will agree to abandon the whole argument. There is indeed a provision for regulating commerce with the Indian tribes, but we need scarcely undertake to show that between commerce and intercourse there is a wide difference, far too wide to render them convertible terms in the investigation of the delicate question of conflicting jurisdiction. To speak logically, the former is a species, and the latter a genus. One existing at all times, in a greater or less degree, both in peace and war; the other, like the spirit of laws, becomes silent amid arms. Intercourse includes commerce, but it includes, also, many other relations, political and personal, of which commerce forms no part.

"The Chief Justice also remarks, that 'the whole intercourse between the United States and this nation, (the Cherokees,) is, by our Constitution and laws, vested in the government of the United

States. They,' speaking of the acts of Georgia, 'interfere forcibly with the relations established between the United States and the Cherokee nation, the regulation of which, according to the settled principles of our Constitution, is committed exclusively to the government of the United States.'

"This, as it appears to us, is assuming the very point upon which the controversy turns. We can find in the Constitution no clause giving the United States the right to regulate the *intercourse* or *relations* with the Indian tribes. We ask for that clause. It is not to be found. We then ask for the fair deduction of that power from some express grant, and we are met by the opinion, that the exclusive control of the *intercourse* and *relations* with the Indians is given to the general government.

"If this opinion is founded upon a belief that *intercourse*, and *relations*, and *commerce*, are synonymous, the conclusion would still involve us in inextricable difficulties. This regulation of commerce or intercourse, if it gives the United States 'exclusive jurisdiction over the Indians,' gives, as we have said, exclusive jurisdiction over all foreign nations, and over the whole American people. We surely need not pursue this subject farther.

"Were such an inquiry useful, it would not be difficult to show that there were very sufficient reasons for granting to the general government this power to regulate commerce, arising out of the situation of the various tribes, some of them extending into several States, and all of them powerfully affected by the influence of the traders, and by the supplies rendered necessary to their comfort and subsistence. But it is an investigation into which we need not now enter.

"3. The power of Congress to declare war, and the power to make peace, furnish the only remaining authority, by virtue of which this jurisdiction can be assumed and exercised.

"As no war has ever been declared by Congress against an Indian tribe, and as all our wars against these people have been prosecuted by executive authority, it is unnecessary, at present, to embarrass the discussion with any observations upon the war-making power. The treaty-making power includes within it the power to make peace. It is vested by the Constitution in the President and Senate.

"Treaties in national law are compacts made between sovereigns. In monarchical governments the power to conclude

them is generally a branch of the royal prerogative. It is so in England. No treaty, in this acceptation of the term, was ever negotiated with an Indian tribe living under the dominion of the English Crown. No ministers were ever appointed to conduct such a negotiation, no instrument was ever submitted for the sovereign's approbation, nor were any ratifications ever exchanged. All these proceedings are essential to the constitution of a treaty, without which, according to modern practice, no compact can assume that high character, nor be construed to be a recognition of mutual independence. And even if they were waived, still the express assent of the sovereign is indispensable.

"It is clear, from what has been before stated, that as we recede from the period of the discovery, the practice, if not the doctrine, of the Europeans, in their intercourse with the Indians, becomes meliorated, and humanity asserts her claims in favor of the latter. At first, all rights of persons and property and jurisdiction were disregarded. But, by degrees, the true principles of intercommunication were investigated and acknowledged, and the civilized governments found that as much land should be assigned to the primitive people as was necessary for their comfortable subsistence, and that the jurisdiction to be exercised should depend upon their situation, disposition, and other circumstances.

"In the Spanish laws of the Indies it is provided, that 'the Indians shall be left in the possession of their lands, hereditaments and pastures, in such a manner that they shall not stand in need of the necessities of life, and shall be allowed all the aid and facilities for the sustenance of their household and families.'"

The steps taken by the Colonies to procure cessions and obtain control are stated, and then the reader's attention is directed to the action of the federal government under the present Constitution.

"Upon the dissolution of the confederation, and the establishment of the present Constitution, one of the first objects of the new government was to conciliate or subdue the Indian tribes. The whole inland frontier, from the lakes to the St. Mary's, was exposed to their incursions and depredations, and a crisis had evidently arrived demanding the most vigorous measures. Many of the tribes were in open hostilities, and the power of the Union could alone successfully contend with them. 'To provide for the common welfare,' was one of the great objects for the accomplishment

of which the new government was instituted. In the execution of this paramount duty important relations necessarily arose between them and the Indians. Hostilities were continued or commenced, and it was not until the decisive victory of General Wayne, in 1794, that the power of the savages was broken] and the 'common defense' secured. As a necessary incident to the power of 'defense' is the right to make peace, bringing into action the treaty-making authority, and a special jurisdiction over all matters fairly connected therewith, as far as they are actually required for the purposes of safety and as long as the general government is responsible for that safety; that is, till the various tribes are so reduced in strength, or so improved in morals and habits, that the respective States may safely assume jurisdiction over them without calling upon Congress 'to provide for the common defense,' when the *posse comitatus* may be substituted for a military force, and when citizens venturing to engage in hostilities will become traitors.

"This is the only real and visible foundation upon which the power of the general government to conclude a treaty with any Indian tribe living within the boundaries of a State, can rest, except so far as the process may be thought expedient in the purchase of their possessory right by the United States, and where the United States have *the ultimate domain*, and, consequently, the right to make 'needful rules and regulations respecting' it; and also in the 'regulation of commerce' with the Indians, if it is necessary and proper that this regulation should be made by conventional arrangements. And in either case the extent of the power must be limited by the objects to be attained. Neither of these have any connection with civil or criminal jurisdiction, and can therefore neither confer it upon the Indians, if they have it not, nor take it from the States, if it is vested in them.

"We must, however, carefully separate the treaty-making power from the power to 'regulate commerce with the Indian tribes.' The former is given to the President and Senate, and the latter belongs to Congress. The authority, therefore, to make treaties with the Indian tribes, whatever this may be, derives no support from the power to 'regulate commerce,' but exists independently of it.

"To prevent misconception, we may add, that, without the boundaries of the respective States, and within the boundaries of

the Republic, the United States have a general jurisdiction over the Indian tribes, as a necessary attribute of sovereignty, and in conformity with acknowledged principles of the laws of nations.

“Conceding now, what, however, is not required, that, under the Constitution, and for the purposes of defense and security, the general government had control over the Indians, that control must, of course, be limited by a just construction of the grant of power and by the duties of the government. It is not essential to its existence or exercise, that it should include every ‘attribute of sovereignty,’ and it will cease when danger is no longer to be apprehended, and when the ordinary civil power of the community is sufficient to govern and restrain the Indians. And the States must necessarily judge when this period has arrived; when the relative strength of the parties and the circumstances and improvement of the Indians render such a measure proper. The portion of jurisdiction till that time entrusted to the general government may then be assumed, and the whole subject left to the State authorities.

“This gradual change has taken place in almost all the original States, and the principles connected with it are not only obviously just, and such as will alone reconcile the difficulties of the subject, but are supported by respectable authorities.

“‘We do not mean to say,’ observes the Supreme Court of New York, ‘that the condition of the Indian tribes, at former and remote periods, has been that of subjects or citizens of this State. Their condition has been gradually changing, until they have lost every attribute of sovereignty, and become entirely dependent upon and subject to our government.’

“At the time this opinion was delivered, there were probably six thousand Indians in New York. How many there were at the termination of the ‘former and remote periods,’ when they retained their quasi independence, there are no materials at hand for ascertaining. No doubt the number was then double. But the strength of the tribes constitutes only one of the elements for the determination of the question of incorporation. Of that, and of the others, each State has judged and must judge.

“‘The condition of the Indians,’ says the Abbe Raynal, ‘has not always been the same. At first they were seized, sold in the markets, and made to work like slaves upon the plantations.’

“‘In some of the old States,’ says Mr. Justice McLean,

‘Massachusetts, Connecticut, Rhode Island, and others, where small remnants of tribes remain, surrounded by white population, and who, by their reduced numbers, had lost the power of self-government, the laws of the State have been extended over them, for the protection of their persons and property.’

“It is obvious that the limitation of the power of self-government, here alluded to, must depend upon the opinion of the State, and not upon numbers merely, for numbers are not essential to self-government, and, we may add, are unimportant, except so far as relates to their necessary defense. And it is equally obvious that the *argumentum ab inconvenienti* can not operate to divest from the general government, and confer upon any of the States, an authority given to the former, and, particularly, when such authority, if necessary, may be as well exercised by the one as by the other. If, under the Constitution, the United States alone have jurisdiction over these tribes, and if, in consequence of reduced numbers or other circumstances, the tribes become unable to exercise that portion of jurisdiction entrusted to them, it is for the United States to provide a remedy, and not for a third party, who, upon the principles assumed, have ceded all legitimate authority over the persons and objects. Certainly no claim of State jurisdiction can rest upon this foundation.

“It may be observed that, with the extinction of that portion of jurisdiction arising out of the duty of general defense, will also terminate the power of regulating commerce. That power, it will be recollected, is to regulate commerce with the Indian *tribes*, and not with the Indians. They will then cease to be ‘tribes,’ or, to take the definition instead of the term, will cease to be, in the language of the American lexicographer, ‘a body of rude people, united under one leader or government, as the tribes of the Six Nations, the Seneca tribe, in America,’ and will become citizens, with such ‘privileges and disabilities as the laws of the respective States may provide.’ Having endeavored to show the general nature of the jurisdiction over the Indian tribes, and that, in the United States, that jurisdiction belongs to the several State governments, whensoever and howsoever they may choose to exercise it, it is necessary now to inquire how far the exercise of this right, by the State of Georgia, is controlled or prohibited by any conventional arrangements made with the Cherokee Indians. If the general government has entered into engagements inconsistent

with this right, and if such engagements were within the scope of its legitimate authority, nothing remains but to regret these stipulations and to execute them, even if they perpetuate the inconveniences which must attend the permanent establishment of the Indians in their present places of residence. If, on the other hand, the United States have contracted obligations which they can not fulfill without a violation of preceding and paramount duties, they must then compensate the Indians, who are the injured party, to their full satisfaction, unless their demand is, upon the face of it, exorbitant and unreasonable. If it is, the commutation should be measured by the party thus involved in contradictory obligations, in a spirit of liberality, and tendered with a full explanation of the circumstances. We think, however, it will be found that neither of these alternatives is before us, but that all the compacts made with the Indians may be executed fairly and in good faith, and consistently with the jurisdictional authority of the State of Georgia.

“The extension of the laws of the respective States over the Indians involves their personal and political rights. The former, under any state of things, will no doubt be amply secured, and all proper rights and remedies extended to them. How far they shall participate in political privileges, must depend on their advancement in improvement and knowledge. While passing through that probationary situation which their previous habits and circumstances have rendered necessary, they must remain in the state of ‘pupilage’ described by Judge Kent. And without suffering the question to be influenced by pre-conceived notions, not applicable to the relations of the parties, nor by those romantic delineations of Indian character and condition, more creditable to the heart than the judgment, which have misled many worthy men, let us inquire what must be the actual effect of subjecting to the ordinary jurisdiction of the laws, those tribes which have already commenced the great career of improvement, and made, as is represented, such progress as to qualify them for the task of self-government. To one who is ignorant of the controversy which has recently arisen out of this subject, the answer will appear disproportioned to the fearful consequences which, it is apprehended or alleged, will result from this change. *These half-civilized Indians will become subject to the common law of England*, with such temporary disabilities as the respective State

legislatures may impose, till they are prepared by education and habits for its full enjoyment. And is not this preferable to their present system of polity? All history teaches that no free government can exist among half-civilized people. It must become a despotism, ruled by one or a few. And if we are not wholly misinformed, the experience of our own Indian tribes confirms the general lesson. If the southern Indians have made those advances in improvement which many so confidently assert and believe, they can not be injured by the operation of just laws. If they have not, they are unfit for the task of self-government, and to become the founders of an independent state."

The Secretary then proceeds to an elaborate examination of the question, whether the form of the treaties and stipulations, and the descriptive epithet, "nation," applied to the Indians, are a full recognition of their independent position, precluding the general government from denying the legitimate consequences flowing from such admissions. He clearly establishes, by authority and argument, that they are not, and terminates this branch of the controversy with this potential observation :

"We can not express the true doctrine as well as it was expressed at Ghent, where this very objection was urged, and pertinaciously repeated. 'The treaty of Greenville,' say the American Commissioners, 'neither took from the Indians the right which they had not, of selling lands within the jurisdiction of the United States to foreign governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary line assigned. *It was merely declaratory of the public law in relation to the parties, founded on principles previously and universally recognized.*'

"The position of the Indians is no doubt anomalous. Europe presents nothing similar. To demand that the principles of intercourse which have been adopted, shall be reconciled with the received maxims of public law, which govern the relations of civilized and independent nations, is to reject the universal practice of all governments who have founded colonies in the new world, and is to sacrifice the true interests of society to a definition and a deduction."

Approaching the material inquiry in this great case, namely, whether the treaties with the Cherokees contain stipulations incompatible with the exercise of jurisdiction by the State of Georgia

over them, the Secretary, examining the entire field of controversy, commencing with the treaty of Holston, in 1731, and terminating with that of Tellico, in 1798, which was the last treaty, prior to the execution of the compact between the United States and Georgia, in 1802, announces the irrefragable conclusion, that the relations of the general government with the various Indian tribes living within the boundaries of the United States, do not extend to prevent the legislatures from subjecting those Indians, whenever they please, to the operation of State laws.

Thus far, he had discussed the *rights* of the several parties. He now leaves that field, and briefly considers the expediency of their just exercise, on the part of the legitimate authorities.

“In the previous discussion we have confined ourselves to the question of right, attending all those considerations which render it expedient that these Indians should remove to the country, west of the Mississippi, assigned for their permanent residence. No false philanthropy should induce us to wish their continuance in the situation they now occupy. The decree has gone forth; it is irreversible, that the white and the red man can not live together. He who runs may read. He may read it in the past and in the present, and he may discern it in the signs of the future. Without attempting to investigate the causes, moral and physical, which have *enacted* this law of stern necessity, it is enough for our present purpose to know that it exists, and to feel that its penalty is destruction to one of these parties; a penalty only to be avoided by their migration beyond the sphere of its influence. The longer this salutary measure is delayed, the greater will be the injury to them. Their state of excitement and uneasiness will continue, the collisions and difficulties with their white neighbors will multiply, and surrounded, as they must be, with disheartening troubles, their habits and prospects may be wrecked in this hopeless conflict. Had they not better go, and speedily? Go to a climate which is known to be salubrious, to a country fertile and extensive; beyond their wants now, and for generations to come; and to a home which promises comfort and permanence.

“Can they expect to maintain their present position? To establish an independent government, having undefined and undefinable relations with the State of Georgia? To add another *imperium in imperio* to our complicated system? Such an expectation appears to us vain and illusory, practically unattainable, and

fraught with their destruction if it could be obtained. They would be exposed to the operation of all those evils which have swept over their race, as the fatal simoon, the blast of death, sweeps over the desert."

Thus was the ability and discretion of General Cass displayed, at this signal period of the Indian controversy. This review—in fact, as the reader was apprised a few pages back, a state paper—was a luminous and powerful refutation of the doctrine of the Supreme Judicature of the land. He dissented, not as a factionist resisting authority, or as a sciolist unable to comprehend it, but as a patriot, a jurist and a scholar. Its effect upon the public mind was prodigious, and the signs of returning reason, on this vexed subject, to many of the accomplished intellects in Congress, were unmistakable.

The policy of the administration prevailed, and to the Secretary of War belongs the glory, as its efficient, learned, and enlightened expounder and defender. Congress appropriated five hundred thousand dollars for the removal of the Indians from Georgia, Alabama, and other States, to a territory west of the Mississippi, without the limits of any State or organized territory, and belonging to the United States. The Indians were removed, under every humane care, to places better fitted for their future homes; the high claim of Georgia to be sovereign within her own borders was fully vindicated against those disorganizing counter-principles, subversive of the first elements of civilization that would have denied it; and with such an approving voice did the people of Georgia regard the conduct of General Cass, that the Legislature of that State unanimously named a county after him, which, since its creation, has been noted for its undeviating adherence to the cause of the Democratic Republican party.

CHAPTER XVII.

Black Hawk War—Peace—Treaties of cession with Winnebagoes, Sacs and Foxes—General Cass' efforts to effect Reforms in the Army—The United States Bank—Nullification—Letters to General Scott—The action of South Carolina—Letter to Mr. Ritchie—The Virginia Legislature—The Mission of Mr. Leigh—The happy Termination.

In the summer of 1832, the aggressions of the Sac and Fox tribes of Indians were daring and extensive—so much so as to demand the interposition of the government. The Secretary of War was too well versed in Indian character, and their invariable mode of warfare, not to adopt prompt and active measures for their subjugation and punishment. The Indians were under the lead of a noted chief, called Black Hawk, and personally known to General Cass.

The executives of the States of Missouri, Illinois, and Indiana, and of the Territory of Michigan, co-operated zealously and efficiently in the protective measures of the department. The regular troops in the vicinity of the theater of hostilities were concentrated under Brigadier General Atkinson, and brought into the field; and the militia of Illinois, and that part of the Territory of Michigan exposed to danger, promptly repaired to the defense of the frontier. Such was the nature of the warfare and of the country, that it was difficult immediately to protect the long line of scattered settlements, and to bring the enemy into action. As a precautionary measure, and to place the result of the campaign as far beyond the reach of accident as possible, the garrisons at some of the posts upon the seaboard, and upon the lakes, were ordered to Chicago, under the command of Major General Scott, to co-operate with the force already employed under Brigadier General Atkinson. The troops moved with the greatest despatch—one of the companies reaching Chicago in eighteen days from Old Point Comfort, a distance by the route necessarily traveled of more than eighteen hundred miles. At this place they met a foe far more to be dreaded than their Indian foe, and their hopes were suddenly arrested, when highest, by that worse than Athenian plague—the cholera; and probably few military expeditions

have presented scenes more appalling in themselves, or calling for the exercise of greater moral courage. The occasion, however, was met by General Scott, the commanding officer, in a manner worthy of his high character; and the example which he gave to the American army, in that trying period of responsibility, is not less important than was his gallant bearing in the presence of the enemy at Lundy's Lane and Bridgewater. The mortality was great; and of about fifteen hundred officers and men of the regular troops ordered to that frontier, not less than two hundred fell victims to the pestilence.

The United States soldiers stationed in the vicinity of the scene of outrage, together with the militia from the State of Illinois and of the western part of the Territory of Michigan, were concentrated under the command of General Atkinson, and marched to the locality of the enemy. When they reached the spot where it was supposed Black Hawk and his forces were encamped, it was found that the Indians had withdrawn upon their approach. General Dodge was dispatched in pursuit. He overtook them on the evening of the twenty-first of July, and engaged in battle with a band of about three hundred Sacs, at a place called Petit Roche, near the Wisconsin river, and about thirty miles from Fort Winnebago. The Indians retreated towards the river, after fifty of their number were killed. On the twenty-seventh and twenty-eighth of July, General Atkinson, with thirteen hundred men, crossed the Wisconsin, and followed the trail of the enemy until the second day of August, when they came up with the main body of the Indians on the left bank of the Mississippi, opposite the mouth of the Iowa river. A battle ensued, in which the Indians were routed and driven from their position. One hundred and fifty of them were killed, as reported to the War Department. The residue crossed the river, and fled into the interior of the country. The Indians were completely vanquished. Black Hawk, with his family, and the Prophet, his brother, were not among the conquered. It turned out to be the fact, that they had fled up the Mississippi, and sought refuge among the Winnebagoes, who, in a short time, brought forth Black Hawk and the Prophet, and delivered them up to the army.

The ample and effective arrangements, under the direction of the War Department, were prompt and judicious, and probably saved the country from the expense and horrors of a protracted

Indian war. The campaign terminated in the unqualified submission of the hostile party, and in the adoption of measures for the permanent security of the frontier. Black Hawk and the Prophet—the real instigators of the troubles—were delivered to the President, and were, for some time, held as hostages for the faithful observance, on the part of the Indians, of their treaty stipulations.

Treaties of cession were formed with the Winnebagoes, and with the Sacs and Foxes, under the direction of the Secretary of War, by which the title of the former was extinguished to all the country south of the Ouisconsin and east of the Mississippi, and the title of the latter to an extensive region west of that river. These cessions were highly important to the peace and security of that distant frontier, and were, in a short time, followed by such settlements as placed it beyond all danger from the aggression and hostilities of their Indian neighbors. The result of the Black Hawk war, as it is commonly called, was a severe lesson, and attended with the sacrifice of life, but it insured the preservation of tranquillity, and rendered a resort to similar measures, on the part of the United States, unnecessary.

The Secretary of War, in his annual report of this year, recommended many salutary reforms in the *personnel* of the army. Well aware, from his own experience and observation, that much good might be effected for the soldier while on actual service, and for his own welfare in time of peace, by a slight attention, on the part of the head of the department, to apparently trivial evils, he did not consider it a condescension, but a duty, to point them out and name the remedy. In the subsistence of the army he had made an important change, which he believed would prove salutary to the health and morals of the troops. In lieu of the spirituous liquor, which had composed a part of each ration, a commutation had been established, by which its value was paid to each soldier in money, but, at the same time, he had permission to purchase the article from the sutler of the post. General Cass modified this regulation, substituting coffee and sugar for the money. Four pounds of coffee and eight pounds of sugar were directed to be issued with every one hundred rations, and thus increasing the expense of the army subsistence to a sum of about six thousand dollars. Simultaneously with this arrangement, a regulation was adopted prohibiting the sale of spirituous liquor by the sutlers to the troops, or its introduction, under any circumstances, into the

forts and camps of the United States, with the exception of hospital stores, and of the quantity necessary to issue under that provision of the law which allows an extra gill to every soldier engaged in fatigue duty. As there was no authority vested in the executive to dispense with this issue, the Secretary asked Congress to interpose the necessary remedy. He believed that the great cause of public morals, as well as the discipline and efficiency of the army, would be promoted by an entire abolition of these issues. He stated that an addition of three cents to the sum allowed for extra daily labor, would be more than an adequate pecuniary compensation for the deprivation recommended, and would increase, but in a very inconsiderable degree, the public expenditure. He contended that to habits of intemperance might be traced almost all the evils of our military establishment, and that it was high time that an enemy so insidious and destructive should be met and overcome; that all palliatives be abandoned, and that a system of exclusion, entire and unconditional, be introduced and enforced.

He developed the advantages to be derived from a thoroughly disciplined mounted force, and urged an increased and more efficient organization of the Topographical Corps. In advance of public opinion he abolished the custom of parade and inspection on the Sabbath, thus enabling the troops to observe the day more in accordance with its sacred duties; and recommended that a suitable building be provided at West Point, as a place of public worship, so that the pupils of the academy might have the benefit of religious instruction. These recommendations, at first view apparently of inconsiderable moment, have been mostly adopted, and were productive of important results.

But, during the year 1832, General Cass had other and higher duties to perform, as one of the confidential advisers of the President. The question of a re-charter of that mammoth financial institution—the United States Bank—was before the authorities of the nation. It had become incorporated into and constituted the leading and controlling topic in the politics of the country. Having an unbounded credit, with branches in all quarters of the Union; possessed of large pecuniary resources, and wielded by sagacious and never-tiring managers; defended and advocated by the massive minds of such men as Henry Clay and Daniel Webster in the Senate, and citizens of wealth, distinction, and influence, in every nook and corner of the land; appealing, with unblushing

effrontery, to the basest passions of which man is susceptible; and, by its recklessness of management, in too many instances, giving cause for the suspicion, that its agents were ready, with unscrupulous gifts and largesses, to subsidize the ballot boxes of the people;—this monster power had made its way through the legislative halls of Congress, and now, with all the swaggering audacity of the brigand in some lonely recess of the Alps, approached the chief magistrate of the nation, in the honest discharge of his executive functions at the presidential mansion.

Never was an administration so peculiarly situated. Questions were looming up in the distant horizon, that threatened the disruption of the confederacy of republican States. It was supposed that the President, as the representative of the democratic party, could not approve of the bill. When this bank was originally chartered, finance was disordered and credit depressed; when it was re-chartered at the close of the second war, the State banks had deprived the people of a currency; and in both instances, the constitutional objections to its existence were lost sight of in the desire to secure temporary relief. But now the exigencies which had called it into existence, and once renewed the lease, had ceased, while the objections to it subsisted in increased force. Democrats who never believed that such an institution could be tolerated under a democratic construction of the Constitution, now renewed their objections to its re-charter. And as for the fiscal service it rendered to the government, they rightly believed that such service could conveniently, and with far more virtue and safety, be performed by a government agency, to be called an Independent Treasury. But its friends flattered themselves with the fallacious hope that the action of many members of that party in Congress, together with the recurrence this year of the presidential election, would remove from the President's mind the objections he entertained, and induce him to acquiesce. Unfortunately for themselves, they had overlooked the fact that the watch-tower of the Republic was tenanted by a man of lofty patriotism and inflexible purpose, unaffected by intimidation, clamor, or blandishment, and as for gold, that the whole kingdom of nature did not contain enough to debauch his incorruptible heart. With characteristic firmness, advised and sustained by the united voice of his cabinet, he interposed the power of his veto, under the Constitution, and, in respectful terms,

returned the bank charter to the House of Legislation in which it originated.

After the adjournment of Congress, South Carolina considering herself aggrieved by "the acts and parts of acts of the Congress of the United States, purporting to be laws imposing duties and imports on the importation of foreign commodities," and particularly by "two acts for the same purposes, passed in May, 1828, and July, 1832," threatened secession from the Union, and began to make preparations to resist the operation of those laws within her limits. A convention assembled in that State, on the nineteenth of November, 1832, and passed an ordinance which declared all the acts of Congress imposing duties on imported goods, more especially the laws of May, 1828, and July, 1832, to be null and void within the limits of South Carolina, and the Legislature authorized the governor to call out the militia to resist any attempt on the part of the government of the United States to enforce the revenue laws.

These proceedings on the part of that State, brought on an issue between the State and the federal government that could not be neglected. The very existence of the latter depended upon its decision. A single State had set at defiance its authority, and declared that no umpire should be admitted to decide between the contending parties. The federative principles of the Constitution, and the whole authority of Congress and the federal judiciary, were put in issue by this question. This movement received the support of Mr. Calhoun, General Hayne, and, indeed, of all her master minds. They expected that it would be countenanced by other southern States, and however unwilling the leaders might be to destroy the Union, still experience had too clearly shown the difficulty of restraining an excited people, not to create apprehension as to the result of these efforts to discard the authority of the general government.

The nullifiers asserted that the federal Constitution was a compact between the people of the several States as distinct and independent sovereignties, and not between the people of the United States at large; that when any violation of the letter or spirit of that compact took place, it is not only the right of the people, but of the State legislatures, to remonstrate against it, and that the federal government was responsible to the people whenever it abused or injudiciously exercised powers entrusted to it,

and that it was responsible to the State legislatures whenever it assumed powers not conferred.

In this state of the case, the administration considered that the path of duty for it to pursue was plain, and determined at once to bring this question of nullification to an issue. With this view, the Secretary of War assembled all the disposable military force of the United States at Charleston. The proclamation of the President was issued, placing the powers of the general government on the broad ground that the federal judiciary was the only proper tribunal to decide upon the constitutionality of its laws, and to enforce the revenue acts with an entire disregard to the pretended rights of sovereignty assumed by South Carolina.

As coming more immediately within the province of the War Department, it became necessary for General Cass to conduct the correspondence. His instructions to the commander of the United States troops were dignified and appropriate, and although positive as to the rights and duties of the general government, he was scrupulously mindful of State rights, and his language forbearing and conciliatory. He was impressed with the grave importance of the question, and with the mournful aspect it had given to the political horizon of America.

The cautious forbearance of the Secretary, as well as his unalterable determination to forward the true interest of the nation, fully appear in the following letters to Major General Scott.

(Confidential.)

“WASHINGTON, Nov. 18th, 1832.

“SIR:—The state of affairs in South Carolina has occasioned much solicitude to the President. He indulges the hope that the intelligence and patriotism of the citizens will prevent any infraction of the Constitution and laws of the general government. But while he anxiously looks for this result, he deems it possible, from the information he has received, that, in the first effervescence of feeling, some rash attempt may be made by individuals to take possession of the forts and harbor of Charleston. The possibility of such a measure furnishes a sufficient reason for guarding against it, and the President is therefore anxious that the situation and means of defense of these fortifications should be inspected by an officer of experience, who could also estimate and provide for any dangers to which he may be exposed, &c.

"Your duty will be one of great importance, and of great delicacy. You will consult freely and fully with the Collector of the port of Charleston, and with the District Attorney of South Carolina, and you will take no step, except what relates to the immediate defense and security of the posts, without their advice and concurrence. The execution of the laws will be enforced through the civil authority, and by the mode pointed out by the acts of Congress. Should, unfortunately, a crisis arrive, when the ordinary power in the hands of the civil officers shall not be sufficient for the purpose, the President will determine the course to be taken and the measures to be adopted. Till, therefore, you are otherwise instructed, you will act in obedience to the legal requisitions of the proper civil officers of the United States.

(Signed,)

"LEWIS CASS."

"DEPARTMENT OF WAR, }
"WASHINGTON, December 3d, 1832. }

"SIR:—Your letter of the 27th ult. has been received and laid before the President. He is pleased at the discretion and judgment manifested by you.

"The course of the government will be regulated by the principles stated in the personal interview I had with you. I can not but hope the good sense and patriotism of the citizens of South Carolina will still prevent an occurrence which would make it necessary to enforce the ordinary act recently passed by the convention of that State. In any event, the President will perform his duty, under the Constitution and laws of the United States.

(Signed,)

"LEWIS CASS."

"DEPARTMENT OF WAR, }
"WASHINGTON, January 26th, 1833. }

"SIR:—All your dispatches have been communicated to the President, and your general views and proceedings have been approved by him. The three orders to which you specially refer, I shall briefly advert to.

"It is the most earnest wish of the President that the present unhappy difficulties in South Carolina should be terminated without any forcible collision, and it is his determination, if such collision does occur, it shall not be justly imputable to the United

States. He is therefore desirous that in all your proceedings, while you execute your duty firmly, you act with as much discretion and moderation as possible, and this course he has never doubted you will adopt. Self-defense is a right as much belonging to military bodies as to individuals, and officers commanding separate posts are responsible, at all times, for their defense, and are bound to use all due precaution to avoid danger. If a body of men approach Sullivan's Island with apparent hostile views, it will be proper to pursue the course indicated by you to Colonel Bankhead—that is, to warn their commanding officer to retire, and to inform him of the course which you will be compelled to adopt, in the event of his continued approach. Should this warning be ineffectual, and the armed body attempt to land, you will be justified in resisting such attempt. But, before this unfortunate alternative is resorted to, I rely upon your patriotism and discretion to endeavor, by all reasonable and peaceable means, to induce any such armed body to abandon their enterprise. The subject is committed to you, in the full conviction that while you discharge your duty as an officer, you will be mindful of the great delicacy of the subject, and the anxiety of the President to avoid, if possible, a resort to force. But, whatever the just rights of self-defense require, must be done, should a case occur involving such a question.

(Signed,)

“LEWIS CASS.”

This correspondence is the key to the action of the administration on the grave issue at stake between the federal government and one of its members. It will be perceived that the sovereignty of the State was not to be invaded in any event; but that its power was invoked to see that the laws of the land were enforced. If individuals interposed obstacles to their execution, they were to be treated as trespassers, and dealt with accordingly. If, in that contingency, the State authorities declined to act, then the federal government would with promptitude exercise its reserved rights.

The President, however, could not shut his eyes to the stubborn fact, that clouds, portentous of trouble, darkened the Southern skies, which might end in collision, bloodshed and rebellion. The newspapers teemed with inflammatory articles; turbulent assemblages of the people were constantly being held; and violent,

treasonable speeches delivered, calculated, if allowed to go on unchecked, to subvert all order and good government, and, spreading to other States, terminate in a dissolution of the Union. It was evident that South Carolina awaited the co-operation of all south of the Potomac. Some of the leading organs of the Democratic party began to evidence weakness and vacillation, and paused to calculate the value of the Republic. Weak-minded men were appalled, and grew timid. Patriotism, in many unexpected quarters—the American citizen of to-day will blush to hear—was ebbing, and no one could foresee how soon its last wave would recede from the land of Washington.

The Legislature of South Carolina acted as if the bond of glorious memory was already sundered. Steps were taken to reorganize her militia and prepare for active hostilities. Her citizens were to be classified from sixteen years of age and upwards, and placed upon a war footing. The governor was directed to purchase ten thousand stand of small arms, with the necessary accoutrements; and effective means provided to procure all the munitions of war. This was something else than mere bluster and bravado. It indicated that a lion-hearted spirit was aroused in all her borders, ready to burst into an uncontrollable tempest of treason. No one could say what the next month, week or day might bring forth! And has it come to this? might the President well have exclaimed,—that my own dear native State shall be the first to raise her parricidal arm to strike down in blood the sacred flag of liberty! He would make one more effort to stay the impending storm; and casting about for some other member of the confederacy to interpose her kind offices in this great extremity, his eyes fell upon Virginia—the mother of them all. Could she forbear to use all the influence to which she was entitled? Would she stand aloof and wait till the hurricane of disunion swept the fair fields of the Palmetto, as it surged madly onward to the Gulf and the Mississippi? Could she not throw herself between the contending parties, and contribute whatever of moral force she might exert to save the Union and avert the calamities of nullification?

In a day or two, under date of December 13, 1832, the following article appeared in the editorial columns of the Richmond Enquirer—then the leading political paper in all the South:

“These reflections have been suggested to us by the news of

yesterday, and by a letter we have received from one of the ablest men in the country. We ask his pardon for laying extracts from it before the Legislature, *keeping his name strictly* to ourselves. The members of the Legislature will weigh them for what they are worth. From the high character of their author—from the deep importance of the subject—from the momentous crisis which we are approaching, we respectfully think them entitled to serious attention. *New's the day, and now's the hour.*

“Extract of a Letter from Washington.

“The impending crisis is a fearful one. What is to be the result? The question is before me day and night. As you have justly observed, we are between Scylla and Charybdis. If the general government succeed, is there not reason to fear that State rights will be in danger, and that the federal arm will become too strong at some future period? On the other hand, if South Carolina succeed, either in the project of nullification or in that of secession, the Union is virtually dissolved, and we shall follow the fate of the other republics that have checkered the eventful map of history. What, then, is to be done? If South Carolina proceeds as she has begun, the shock must be met, and our institutions may be demolished in the conflict. There is scarcely time, even were *this* Congress perfectly well disposed, to settle such a question between now and the first of February next; and if there were, it is not in human nature that the whole protective system, enormous as it is in its application, should be instantaneously abandoned. And this, and this alone, would satisfy the South Carolina politicians! Under these circumstances, it has occurred to me that Virginia might interpose most efficaciously, and add another leaf to the wreath which adorns her civic chaplet. Suppose the Legislature should appoint a committee of four or five of the most eminent citizens to proceed to South Carolina and to entreat her convention and her Legislature to recall her late steps, and at all events to delay her final action till another trial is made to reduce the tariff. Possibly the measure would be more certain, if Virginia should call upon North Carolina, Georgia and Alabama to appoint similar committees to meet hers at Columbia, and to join in the good work. In all political fermentations, time, if not a positive cure, is almost sure to lead to one. Suppose Virginia, too, should address Congress in one of those forcible

appeals she so well knows how to make, and urge an immediate commencement as well as a great reduction of the tariff, stating all the great considerations which require it, and should, at the same time, address the State of South Carolina, as a sister suffering under the same system, and entreat her, out of regard to Virginia, to the other Southern States, to the integrity of the Union, and, in fact, to the cause of free government through the world, to delay her action, and to try to procure a modification of the tariff, &c.

“‘Would not the result be favorable? At any rate, is there not such a probability of it as to justify the attempt? Events are pressing so rapidly upon one another, that we hardly know what the next hour will produce; of course, no time is to be lost. The times are portentous; and satisfied I am, that if Virginia does not put her shoulder to the wheel, our fate hangs by a thread. The President will do all that wisdom, firmness and integrity can effect; but still, without zealous aid from real friends, even he may not be able to carry us through unscathed.’”

The letter above referred to was written by General Cass, by the request of the President, and addressed to Thomas Ritchie. It speaks for itself; and scarcely had it been published, when and on the same day, the committee of the Legislature of Virginia, to whom the whole subject of the tariff had been referred, took up the mission suggested, and after various propositions had been duly weighed, both in the committee and in the Legislature—after long debates and various amendments had been made—the whole matter terminated in a series of resolutions worthy of the calm, considerative, prudent, but firm character of the Old Dominion, and in electing Benjamin Watkins Leigh as a Commissioner to the State of South Carolina.

Mr. Leigh accepted this delicate and responsible post, and went forth on his mission of peace. He was received with distinguished honors by Governor Hayne, by General Hamilton, and all the authorities of South Carolina. The Legislature and the convention were called together to meet him. He addressed them in the spirit of peace, and appealed to them as the sons of the land of Marion and Sumpter. His voice was not unheeded. The positive action of Virginia produced a deep impression upon the public mind of the South, and exercised a controlling influence in contributing to the suspension of the ordinance of nullification, in

inducing South Carolina to pause, and in giving peace to the country.

The movement of the administration to compass the interposition of Virginia, was a masterly stroke of policy, and dictated by the purest patriotism. The great object in view was effected without the expenditure of blood or treasure; and to no one—save the President—are the people more indebted than to the Secretary of War, who, with pride, shared the manly, vigorous and triumphant resistance by which the usurpations of South Carolina were thus encountered and prostrated.

CHAPTER XVIII.

General Cass calls the attention of Congress to Intemperance in the Army—Richard M. Johnson moves formation of National Temperance Association—State of society in Washington—General Cass invited to deliver an Address in the Capitol—Accepts—Extracts from the Address—Entire interdiction—General Jackson Re-inaugurated—General Cass offers to vacate—General Jackson refuses permission—The Alabama trouble—Letters.

The Secretary of War having brought to the attention of Congress, in his annual report, the subject of intemperance in the army, many members of Congress, awakened still more to the importance of giving a good example to their countrymen, proposed an assembly of public men in Washington, for the PROMOTION OF THE CAUSE OF TEMPERANCE IN THE UNITED STATES.

Upon the application of Richard M. Johnson, member of Congress from Kentucky, the House of Representatives granted the use of the hall for the purposes of the meeting. It was held on the evening of the twenty-fourth of February, 1833, and was the first of the kind that had ever been held at the Federal Capitol.

On motion of Felix Grundy, United States Senator from Tennessee, the Secretary of War was called to the chair, and invited to introduce the proceedings of the evening, and to explain the objects of the assemblage, and the views and motives of those who had called it. He did this with less reluctance—even in that hall of legislation—because the evils of intemperance had passed, like the blast of the desert, over the land. Experience, during the preceding year, had furnished a memorable lesson on this interesting subject. That desolating pestilence—the cholera—borne on the wings of the wind, had traversed the Old Continent from the frontiers of China to the western limits of Europe; it had passed the ocean which separates the hemispheres, and with it had come despair and death. But with it also came the triumph of temperance. For, though many a sacrifice was made among the virtuous and exemplary, still the stroke had fallen chiefly upon those whose constitutions had been impaired by habitual indulgence, and who were thus prepared for the disease.

General Cass was willing to give his fellow citizens the benefit of his example and views—having abstained all his life from the use of spirituous liquors. Whilst he had not been an enthusiast on the topic of temperance, he had quietly been abstemious, because it was, as he thought, promotive of his health and happiness. But his experience and observation satisfied him that much suffering might be alleviated, and the evils of a profligate life averted, and that, too, without over-stepping the bounds of decorum, if men—no matter what their position was—frankly expressed their sentiments, and favored associated effort. He thought, likewise, that a movement at the Capital would be beneficial. The great avenues of communication diverged from that seat of empire to every section of our extensive republic, and the most salutary impression might, therefore, be there made upon the public mind, by efforts founded in benevolence and directed by wisdom.

In Washington, it need hardly be said, scenes of dissipation were constantly occurring, but not the more so than in other great capitals. The bulk of the people who thronged there consisted of citizens and foreigners on pleasure and business, sojourning for a brief period, and then hieing away to their homes. Frolic and merriment, of course, were indulged, but its never ending continuance could not be otherwise than injurious to the permanent residents. If so disposed, their example might be beneficial, in checking its unlimited indulgence. At any rate, many members of Congress who had sons and daughters, and other relatives and friends, residing in the District of Columbia, bethought themselves of its importance.

General Cass, in the performance of the duty assigned him, stated that he did not come to the meeting to call out and discuss the general statistics of intemperance.

“I have no disposition to count the number of ruined men, of wretched families, of lost estates, which this prevalent vice has occasioned in our country. It is an inquiry full of instruction, but full, likewise, of dismay. Calculations have been made, showing the enormous quantity of ardent spirits annually made and consumed, and the waste of time and money entailed upon the community. It is difficult to appreciate the value of quantities and numbers which are far beyond our accustomed range of observation. Their very immensity becomes overpowering. Ingenious men have, therefore, presented this subject in different

aspects, that we may separately survey the members of a group which, collectively, is beyond the reach of our faculties. For the result, I must refer you to the many statements and expositions which have appeared in the periodical publications of the day. You will find ample food for contemplation and regret. I can not, however, but advert to one fact which has been stated, and which will bring the subject to a standard that is familiar to us. The excise, which is levied upon ardent spirits in England, furnishes the means of ascertaining the quantity that is sold. And, notwithstanding the consumption, there is far less, in proportion to the population, than here, yet it has been estimated that the quantity of gin alone annually consumed in that country would form a river three feet deep, fifty feet wide, and five miles long. Well may such a stream be called the river of death! Death to our duties and hopes, to our health and happiness, to our fate and prospects, on this side of the grave and beyond it.

“No man can indulge in this habit with impunity. Begin as he will, he may go on increasing. What is now enough to produce the desired effect may soon become insufficient and inoperative. The quantity must be increased and the intervals diminished. The necessary tone can be preserved only by gradual additions, and then comes all the train of evils which marks decaying faculties and a ruined constitution. All who have eyes to see must have seen them. They need no description here. Unfortunately, they are too common and too disgusting to require or to admit enumeration in such a place as this. If, in the whole creation of God, there is one subject, more than all others, to be pointed at by the finger of scorn, it is he who abandons himself, and all he has and expects, to this destructive propensity. The animals around us, ministering to human comfort; every being into which the Creator has breathed the breath of life—all fulfill their destinies and perform the parts allotted to them; while man, man alone, placed immeasurably above them, reduces himself far below, renounces the high duties assigned to him, and perishes miserably, hopelessly. Were the wreck thus cast upon the strand of life, solitary and unconnected, much as we might deplore the evil, there would be less to regret than at present. But these unhappy men are united to society by all the ties which bind society together. They are sons, or brothers, or husbands, or fathers. With what little remorse the duties of these relations

are disregarded, the experience of every day sufficiently demonstrates. The husband and father seeks, in unhallowed pleasure, those enjoyments his own home would furnish. The means which should be destined to the support of his wife and children are dissipated. His time is consumed, his usefulness destroyed, his temper and habits ruined, and all who depend upon him share in the calamity.

“Who ventures to say there is no cure for this malady of mind and body? No signal of safety which can be lifted up, like the brazen serpent of old, and whereon the afflicted may look and be healed? No power of conscience—no regard for the present—no dread of the future, which can stay the progress of this desolating calamity? It is indeed a disorder which falls not within the province of the physician. Empyricism has prescribed its remedies, and various nostrums have been administered with temporary success, calculated to nauseate the patient, and thus, by association, to create a revulsion of feeling. But little permanent advantage has attended this process. As the habit of intoxication, when once permanently engrafted on the constitution, affects the mind and body, both becomes equally debilitated. And restoration to health and self-possession can only be expected from a course of treatment which shall appeal to all the better feelings of our nature, and which shall gradually lead the unhappy victim of his passions to a better life and to better hopes. The pathology of the disease is sufficiently obvious. The difficulty consists in the entire mastery it attains, and in that morbid craving for the habitual excitement, which is said to be one of the most overpowering feelings that human nature is destined to encounter. This feeling is at once relieved by the accustomed stimulant; and when the result is not pleasure merely, but the immediate removal of an incubus preying and pressing upon the heart and intellect, we cease to wonder that men yield to the palliative within their reach; that they drink and die; that often, in one brief night, they lie down in time and awaken in eternity.

“It is now conceded, by the most profound observers who have made this subject their study, that ardent spirits are never required in a state of health. They are not merely useless, but injurious. Ingenious physicians, who have watched their operation upon the human system, and with the express purpose of ascertaining whether their administration be proper in cases of exhaustion

from cold or fatigue, have borne testimony to their utter inefficacy. Our eminent countryman, Dr. Rush, coincides in this opinion, and asserts that a small quantity of food restores the system to its usual vigor, far better than these destructive stimulants, after it has been debilitated by exertion or suffering. And in some of the most terrible shipwrecks recorded in naval annals, it has been found that the persons who refrained from the use of spirits, were better enabled to resist the calamities impending over them than those who sought strength and consolation in this indulgence. Experience is as decisive on this subject as it is satisfactory. And in the disastrous retreat from Moscow, which broke the scepter of Napoleon, and wrested the nations of Europe from his iron grasp, it is recorded by the historians of the expedition, that the soldiers who were perfectly temperate resisted the elemental war around them when the general 'pulse of life stood still,' and when a scene was presented which, in terrible sublimity, surpasses all that the wildest imagination has ever shadowed forth, when the spirit of the storm was abroad, and the chivalry of Europe fled or fell before the northern blast.

"Too long have those who are yielding to this propensity deluded themselves and others with this pretense of the necessary use of ardent spirits. It is time the foundations were broken up and the superstructure demolished. What was the state of the ancient world where the process of distillation was unknown? The Arabian chemists were the first to introduce it, and not all the drugs of Arabia have been able to counteract its pernicious influence. There is nothing which leads to the belief that men were less able to endure fatigue, or that the average duration of human life was shorter. On the contrary, some of the most stupendous monuments of human power were erected in the early age of the world, and have come down to us unimpaired, surviving the memory of their founders and the objects of their construction. Extreme longevity was one of the characteristics of that period, and many of our most fatal disorders were unknown. A Roman soldier carried a weight of sixty pounds, besides his arms, and usually marched twenty miles a day. Every night he labored to enclose his encampment with a parapet and ditch. No fatigue nor exposure exempted an army from this duty, enjoined by the fundamental principles of their military service. Could an American soldier, with his daily allowance of spirits, or I may

rather say, his daily temptation to drink, do more than this? Carry eighty pounds upon his back, march twenty miles a day, and then fortify his encampment! To the Roman soldier ardent spirits were unknown. To the American they have been the bane of his life, and their destructive effects may be traced in every platoon of our army. Away, then, with this idle pretense of necessity. The necessity exists nowhere but in the apologetic answers of those who, determined not to relinquish this darling habit, are yet desirous of presenting some excuse to themselves and others for its indulgence. But there is, fortunately, one safe and plain method, by which all danger may be avoided, and that is by ENTIRE INTERDICTION. Abstinence, and abstinence alone, from ardent spirits, will shield us from their injurious consequences. And this, in fact, is the only effectual safeguard within our power."

Thus boldly did General Cass speak, over twenty years ago, on the evils of intemperance. ENTIRE INTERDICTION was what he recommended to others, and adopted for himself. The regulations which he made, in this particular, for the observance of the army, introduced a new era into our military history.

On the fourth of March, 1833, General Jackson was inaugurated President of the United States, for his second term. After one of the most malignant political contests in the history of our country, he was triumphantly sustained by a large majority of the people, and their approving voice given to his important measures. This incorruptible verdict re-invigorated him, and his hosts of resolute and unflinching friends, and paralyzed in astonishment his tireless foes. On the day after, General Cass remarked to the President that the Secretaryship of War was in his hands. "No," said the old hero, "it is not. I can not do without you." And that department of the government moved on as usual.

In a few months a question similar in character to that of South Carolina, arose within the State of Alabama, which again brought the federal and State authorities to the very point of collision. It was in consequence of trespasses by emigrants on the lands of the United States, acquired from the Choctaw, Chickasaw and Muscogee or Creek Indians. The United States was under obligations, by treaty, to prevent intrusion upon lands that had belonged to these Indians within the State of Alabama, until they

could be removed to their new homes on the other side of the Mississippi. Emigrants, nevertheless, intruded upon their grounds. It was the duty of the federal government to drive them off, and proceeded to do so. Alabama demurred, and called upon her judiciary to protect the settlers. The peaceful relations of that State with the United States were thus menaced. But the energy and prudence of the Secretary of War, throughout the whole exigency, happily averted all collision. His regard for law and a scrupulous observance of the rights of the judiciary, in the prosecution of this matter, is manifested in the following letters written by him, and addressed, the first to Colonel McIntosh, then a major in the army of the United States, and the latter to F. B. Key, Esq.

“DEPARTMENT OF WAR, October 29th, 1833.

“SIR:—Your letter of the 21st instant, to General Macomb, has been laid before me, and, in answer, I have to inform you that you will interpose no obstacle to the service of legal process upon any officer or soldier under your command, whether issuing from the courts of the State of Alabama or of the United States. On the contrary, you will give all necessary facilities to the execution of such process.

“It is not the intention of the President that any part of the military force of the United States should be brought into collision with the civil authority. In *all questions* of jurisdiction it is the duty of the former to submit to the latter, and no considerations must interfere with that duty. If, therefore, an officer of the State, or of the United States, come with legal process against yourself, or any officer or soldier of your garrison, you will freely admit him within your post, and allow him to execute his writ undisturbed.

(Signed,)

“LEWIS CASS.”

[*Extract of a Letter to F. B. Key, Esq.*]

“DEPARTMENT OF WAR, October 31st, 1833.

“Let all legal process, whether from the courts of the United States or from those of the State of Alabama, be submitted to without resistance and without hesitation. The supremacy of the civil over the military authority is one of the great features of our institutions, and one of the bulwarks of the Constitution.

(Signed,)

“LEWIS CASS.”

CHAPTER XIX.

Removal of the Deposits—Popularity of the Administration—Mr. Clay's Resolutions—Their Effect on General Jackson's Mind—The American Historical Society—General Cass delivers an Oration—Extracts—The Auditory—Their Feelings on the Occasion.

The re-election of General Jackson decided the fate of the United States Bank. It was the paramount issue involved, and the chief staple of acrimony at all the polls. Canvassers and orators spoke to that question on the hustings and in the committee rooms. The decisive fiat of the unshackled freemen of America had gone forth—the institution must die—and the herculean monster was now writhing under this annihilating sentence of a court from which there could be no appeal. It had been for years the custodian of the people's money, and yet had it in its coffers. The bank must now give up the money, and the President ordered his financial officer to make the demand. Mr. Duane, at the head of the Treasury Department, declined to do so, and Mr. Taney was substituted in his place. The deposits were removed, and the government, for the first time, became its own banker.

The people pointed with pride to the administration of their affairs, under General Jackson and his constitutional advisers. Long pending negotiations with England were being brought to a successful termination ; the indemnities of the French government obtained ; claims, hoary with age, against Denmark, Sweden, and Naples; were adjusted, and commercial treaties, opening new and advantageous sources of trade, were made with many foreign countries. The sails of our commercial marine whitened almost every sea, and went on their way unmolested. In every foreign court, in all countries, and upon every ocean, our flag was respected, and the administration steadily and successfully directed its efforts to the promotion of public interests and the maintenance of the national faith and honor. In the eye of the civilized world the government of the United States stood upon the highest pinnacle of fame.

In all these measures, and in all the councils of the cabinet,

General Cass was, in fact, what the word signifies, the adviser of the President. He never missed his attendance at consultation. Of long experience, and thoroughly conversant with the rights and duties of nations, and, above all, devoted in his attachment to the President, his views were always listened to with attention. Respected, in all his personal relations, as a man of stern integrity, the President never failed to give him his ear in all matters of public concern. On many an occasion, during the sessions of Congress, when turbulence was at a furious height, and grave senators even seemed to be willing to tear in pieces the Constitution, and invade, with pistol and bowie knife, the domicile of their chief magistrate, did General Cass repair to the executive chamber, at the urgent summons of its occupant, and, on more occasions than one, at the dead hour of midnight, and there talk and counsel for hours what course to pursue and what measures to bring forward to preserve inviolate the sacred ark of the covenant, and keep the ship of state proudly on her course.

The President, in the course of an eventful life, had passed through many a trying scene, and had often been assailed with pen and tongue, but the action of the Senate, in placing upon its immortal records the famous resolutions of Mr. Clay, in December, 1833, was a fearful shock to his strong nervous system. It produced more than anger. This word faintly conveys the idea. The universally acknowledged patriot felt that his sacred love of country, and in which was concentrated all his pride, had been vitally attacked; and for months this rough treatment was his first thought in the morning and his last at night. With this in remembrance, the reader can better appreciate with what unalloyed satisfaction, years afterwards, he greeted the intelligence that the same august body, in its calmer moments, had endeavored to repair the outrage, and blot the sacriligious chronicle from the memory of mankind.

General Cass, as has already been perceived, was a man of letters, of varied information, and an elegant writer; and frequently was he called upon to gratify his admirers. It is remarkable that he could find time to do so, amid the cares of office, and, especially, during the stirring times he resided in Washington. It must be attributed to his unwearied industry, regularity of life, and, as a quaint scholar says, "his concoction of reading into judgment." Honored, time and again, with notices in this way from

various sources, he frequently was constrained to decline. But, whenever he yielded to the wishes of his fellow countrymen, his efforts were replete with instruction—"with words that burn and thoughts that breathe."

On the twelfth of October, 1835—the anniversary of the discovery of America—a society was formed in the metropolis of the Union, under the title of the American Historical Society, the object of which was to discover, procure, and preserve whatever related to the natural, civil, literary, and ecclesiastical history of America. The society made a draft on the Secretary of War to deliver the introductory discourse, and he honored it on the thirtieth of January following.

There was a vast audience gathered in the Hall of Representatives, on Capitol Hill, to hear him. The number in attendance exceeded the accommodations, and, for two hours, many members of Congress and foreign ministers stood in the aisles and listened with rapt attention.

He introduced himself to this learned assembly by saying that :

"In looking back upon the history of man, it was obvious that different ages of the world have been distinguished by different characteristics. The progress of events has, from time to time, been marked by some predominating trait, communicating its impress to the moral circumstances around it ; and the aspect of human life is brighter or darker, as this controlling principle is worthy or unworthy of the race of beings placed, by the creation of God, in their present state of accountability, and endowed with powers, whose extent, after an existence of sixty centuries, is unknown to us, but whose use or abuse constitutes the advancement or retardation of individuals and of societies. It is thus that prismatic rays tinge with their hues, while they illumine with their light, the objects upon which they are cast.

"In the contest for this ascendancy over the great world of mind, sometimes the passions of mankind have gained sway and held it for ages ; and wars, social, political and religious, have spread desolation over the earth, and have marked their progress, not less by moral than by physical evils. Then the intellectual powers have asserted their supremacy ; at one time, for purposes merely speculative, and at another, for practical action. The one state is illustrated by that wonderful but puerile system of logomachy, which so long passed for philosophy, and which has come

down to us as a splendid monument of human wisdom and of human folly; and the other, by those efforts at rational improvement, whose full operation has been reserved for our days. These social paroxysms, though unequal in their intensity and duration, are yet sufficiently perceptible in their operation, whenever we look out upon that ocean of the past, on the brink of which we stand, and where we must soon be."

After referring to the innumerable stimulants to exertion in the ages of the past, he observes:

"Our own age has been denominated the age of *movement*; of advancement in the intellectual faculties; of improvement in all those principles and pursuits which are most essential to the happiness of man, and most conducive to the dignity of human nature. ONWARD is the great word of our time. In the story so beautifully told by the historian of the Roman empire, the seven youths of Ephesus laid down to sleep, and awoke, after the lapse of two centuries, in the midst of a changed world, but unchanged themselves. He who should fall into such a slumber, in this period of moral acceleration, might arise, after a much briefer interval, and walk abroad into a world far more transformed than that which met the wondering view of the Ephesian sleepers when their trance was broken, and they looked out from their living cemetery upon the fair face of nature.

"Another agent in this process of advancement, and one with which we are here intimately connected, is the system of associations, that have been formed for the cultivation of particular branches of knowledge. These co-operative societies are the invention of modern times; and, in the form in which they now exist, they came into being at the end of that long night of ignorance and imbecility, which shrouded the intellect of the world, from the decline of the Roman empire till the revival of learning in these later ages. There were, indeed, celebrated schools where the principles of ancient knowledge were taught; and two of these, the Academy and the Lyceum of Athens, are well known to all scholars, from the peculiarity of their doctrines, the high reputation of their masters, and the number and celebrity of the pupils. But the teachers were lecturers, expounding their peculiar views to disciples and partial admirers; and their lectures were didactic essays, too often intended to display the pride of the

rhetorician, rather than to advance the purposes of science, or to afford instruction to inquirers after truth.

“In these voluntary associations the members are animated with a kindred spirit, and devoted to kindred pursuits; and their organization is admirably adapted to promote the objects of the institutions. An *esprit de corps* is created, which ensures a unity of purpose and of action, while an emulation is excited, which stimulates the exertions of individuals. A repository is thus formed for the preservation of useful collections. The public attention is awakened, and its favor lightens the toils and aids the researches of the members. It is in the practical sciences, in history, and in the fine arts, that these combinations have been most usual and most useful. Our own country has given her full share to the general stock of these contributions, and we have this night assembled to add another to the number.”

He spoke of the duty of the historian:

“History, indeed, when justly estimated, is not a mere record of facts. These, certainly, are essential to its truth, which is the first and greatest virtue of an historian. But he must have a higher and nobler aim, if he seek to interest or instruct mankind. He must trace the motives and causes of actions to their results. He must delineate the characters of those master-spirits, whose deeds he portrays, and hang them upon the outer wall, as spectacles for admiration or reprobation. ‘Nor am I less persuaded,’ said the patriot first called to administer the present Constitution; ‘nor am I less persuaded that you will agree with me in opinion, that there is nothing which can better deserve your patronage than the promotion of science and literature.’

“‘Knowledge is, in every country, the surest basis of public happiness. In one, in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential.’ Wonderful man! Time is the great leveler of human pretensions. The judgment, which he pronounces upon men and their actions, is as just as it is irreversible. How few of the countless throng, who, in the brief day of their pride, looked down upon their fellow-men, or were looked up to by them, now live in the memory of mankind! And as we recede from the periods in which they lived and flourished, their fame becomes dimmer and dimmer, till it is extinguished in darkness. The world has grown wiser in its estimate of human worth,

and the fame of common heroes has become cheaper and cheaper. But we have one name, that can never die. One star, which no night of moral darkness can extinguish. It will shine on, brighter and brighter, till it is lost in the effulgence of that day, foretold in prophecy, and invoked in poetry,

‘When Heaven its sparkling portals shall display,
And break upon us in the flood of day;
No more the rising sun shall gild the morn,
Nor evening Cynthia fill her silver horn;
But lost, dissolved in thy superior rays,
One tide of glory, one unclouded blaze
O’erflow thy courts; the light himself shall shine
Revealed, and God’s eternal day be thine.’

“Happen what may to our country, this treasure can never be reft from her. Her cities may become like Tadmor, her fields like the Campagna, her ports like Tyre, and her hills like Gilboa, but, in all the wreck of her hopes, she may still proudly boast that she has given one man to the world, who devoted his best days to the service of his countrymen, without any other reward than their love and his own self-approbation; who gladly laid down his arms, when peace was obtained; who gladly relinquished supreme authority, when the influence of his character was no longer wanted to consolidate the infant institutions of the Republic; and who died, ripe in years and in glory, mourned as few have been mourned before him, and revered as few will be revered after him. Here, in this hall, whose foundations were laid by his own hand; here, under this dome, which looks out upon the place of his sepulchre; here, in this city, named from his name, and selected for its high object by his choice, let us hope that his precepts will be heard, and his example heeded through all succeeding ages. And when these walls shall be time worn and time honored, and the American youth shall come up, as they will come up, to this temple of liberty, to meditate upon the past, and to contemplate the future, may they here find lessons and examples of wisdom and patriotism to study and to emulate. And when the votary of freedom shall make his pilgrimage to the tomb of Mount Vernon, and lay his hand upon the lowly cemetery, let him recall the virtues and bless the memory of WASHINGTON.

“When the diffusion of knowledge is recommended to the consideration of the government by this authority, I may well be

spared all effort to illustrate its importance. But its effects I may briefly advert to, in one splendid example of literary distinction, which exhibits the triumph of intellect during the long period of twenty centuries. The little territory of Attica, containing about thirty miles square, and half a million of inhabitants, furnishes a pregnant lesson for the world. There literature flourished, freedom prevailed, the arts and sciences were cultivated, and genius was honored and rewarded. She sent out her armies and navies, wherever her interest or honor required. She repelled the Persian hordes from her land ; she gallantly maintained her independence for a long series of years, and she became the school of antiquity, imparting to all other countries the treasures of her knowledge. How proud a monument she now is, even in her desolation ! From the Ganges to the Saint Lawrence, where is the man of intelligence who does not look upon her fallen fortunes with sorrow ; and upon her future fate with solicitude ? The Turk has ruled in the habitation of Pericles ; and the horse-tail has waved where the ægis was displayed. But the Parthenon still stands, though in ruins, yet in glory ; a fit emblem of the country it adorned in its pride, and now hallows in its decay. And whence this triumph of the feeble over the strong ? How happens it, that this small spot is, and has been, the revered one of the earth ? The school-boy, upon the Missouri, talks of the Illissus. The ardent youth, who, at Bunker Hill and New Orleans, gazes with intense interest upon those fields of blood and renown, has room also in his heart for the stories of Marathon and Salamis. The lover of the fine arts, who surveys the works of the chisel, which already in our country have almost fashioned the marble into life, still thinks of Praxiteles, and concurs in the universal opinion of artists, that the Venus de Medicis is yet the model of statuary beauty. And the patriotic citizen, while he blesses God that he was born in the country of Warren, and Hancock, and Franklin, and Jefferson, casts a look of reverence upon the land of Socrates, and Plato, and Aristides.

“All this is the triumph of intellect ; the monument and the reward of public spirit and intelligence, and the evidence of private devotion to all those pursuits which give to mind its ascendancy over matter.

“The true province of the historian is now better understood than formerly. Time has been, and not long since, when all narratives were considered as entitled to almost equal credit ; when

the habit of severe investigation was no part of the qualification of the historian ; and more especially in the annals of antiquity which have come down to us. In this spirit Rollin compiled his voluminous work, and he gravely relates incidents as he found them, without any discrimination between the degree of credit due to an eye-witness, who records events as we might expect to find them, and to the relater of incredible traditions, worthy of perusal as evidences of human credulity. Herodotus himself, whose history was composed for the purpose of being recited, not read, and whose dramatic manner and imaginative mind prove the early age in which he wrote—Herodotus, who recorded the early fables of his country, and the strange tales he had heard in other lands ; who believed the occurrence of all the events repeated through a succession of ages, from sire to son, and who recited his work to a believing people—this father of the art furnished, for centuries, not the outline only, but all the details of early profane history ; and kindred authors, who wrote later, but still with the same credulity, were received as unerring guides in exploring the mazes of human actions, in distant regions and ages. The charm of style, the splendor of eloquence, the grace of rhetoric abound in these compositions, and they are inestimable as pictures of early manners, and as vehicles of early opinions ; but no scholar would now trust these narratives without proper scrutiny, whenever the incidents are improbable in themselves, or whenever there is reason to believe the proper sources of information were not within the reach of the writers. The philosophy of history requires laborious investigation and deliberate decision.

“In all researches into the history of this continent, we have one advantage over every other people. Our origin and progress are within the reach of authentic history ; we have no fabulous nor doubtful eras to perplex investigation and to provoke discussion. We have, indeed, one remnant of antiquity, one surviving memorial of a former and unknown state of things—one race of men, whose origin is as doubtful as their fate. Their past and future are equally closed to us, and it were vain to attempt to penetrate the one or the other. They were here when Christian banners were first displayed.

“There are six periods in the history of the United States, separated by epochs, which resemble the elevations in the journey of a traveler, that enable him to stop and contemplate the country

he has passed. These periods are different in interest and duration ; but each is marked by an historical unity, necessary to bind together detached portions of any great course of events. It is by this distribution into groups that the human mind finds itself able to grasp the vast variety of incidents which make up the annals of a country. These divisions may be denominated the period of the discovery, extending from the time this part of the continent became known to Europeans, to their first permanent establishment ; of settlement, including the long interval between this establishment and the conquest of Canada ; of civil dissension, commencing immediately thereafter, and terminating in open resistance ; of revolution, including the war of independence ; of the confederation, reaching from the conclusion of peace to the adoption of the present government ; and of the Constitution, extending to our own times. These designations have no claim to actual precision. They indicate only the leading features of each period, those which gave to it its peculiar characteristics."

Passing the reader on to the period of settlement, he says :

"The period of settlement embraces an interval of about a century and a half. And while its progress was marked by extraordinary vicissitudes, it was still advancing with a celerity before unknown in the march of society. Never was the prophetic declaration, that a little one should become a thousand, and a small one a strong nation, more wonderfully fulfilled than in the planting and rearing of these colonies. A few hardy adventurers seated themselves upon the shores of the ocean, in a distant and unexplored region. An interminable forest was around them, and a fierce and treacherous foe occupied its recesses. In the providence of God they were sent out to suffer in their day, but to become glorious in their generation. And well did they fulfill their destiny. We are now a community of fifteen millions of people, and yet I have often conversed with a venerable relative who was a cotemporary of the first child born to the pilgrims, after they landed upon this continent. What an almost overpowering image does this simple fact present of the progression of this federated empire ! And where is the forest, which then shut in the adventurers upon the brink of the sea ? And where are the nomadic tribes, the untamable warriors, who stood up in their path, and said, ' You shall go no further ! ' Let our fields and villages, our towns and cities—let our cheering prospects, the evidence and

the effect of human industry and enterprise—let the peace, and plenty, and prosperity of a happy land, covered with a busy population, enjoying the blessings of equal government, of a benign religion, and of intellectual improvement—let all these explain how the forests have been brought low, and how the great circle of cultivation has spread itself, even to the vast lakes of the North, and to the trans-Mississippi regions. And let the feeble remnant of the primitive race pronounce their father's fate, and their doom.

“The character of our ancestors took its impress from the stormy events which surrounded them from the cradle to the grave. They were nurtured in hardships and exposures; their manhood was devoted to the fields of labor and of battle; and their old age, when they lived to attain it, was too often interrupted by the Indian war whoop, that signal of death, which, once heard, is never forgotten. This school of exertion and exposure, during six generations, produced those distinctive traits of character which belonged to our fathers. The Indians are suspicious, neither seeking nor yielding confidence with facility, incapable of abstract speculations, or aiding the incredulous, and too often insensible to the obligations of veracity. The difficulty of penetrating the recesses of such a people is obvious, increased as these are by the incompetency of the usual medium of communication. Under such untoward circumstances, what has already been done, instead of discouraging, should stimulate us. Our military posts furnish excellent places of observation, where the best materials for Indian history can be collected; and the graduates of the Military Academy, who are sent there, could not devote their leisure to a pursuit more interesting in itself, nor richer in the rewards it offers. Their education gives them the proper qualifications, and the whole philosophy of the Indian condition is open to their investigation. A proper series of inquiries, prepared with a view to a common operation, and transmitted to these aboriginal observatories, would furnish a most interesting subject of inquiry; and, if prosecuted with zeal, would lead to the collection of a mass of materials far more valuable than has heretofore been procured. The traditionary legends of the Indians are passing away. All that is not arrested within a few years will be beyond the reach of recovery. Although their tales of former ages can not be viewed as authentic materials for history, yet they may dimly shadow out events which have left no other memorials; and they are valuable

as the monuments of a rude people, illustrating their peculiar opinions."

He spoke, in the voice of eloquence, of the comparative exertions of many of the nations in the fields of literature, arts, and arms. He contrasted, in vivid language, the motives of these exertions; and coming to our own favored land, most happily remarked:

"Characters are sometimes best described by a single sketch presenting that ruling passion

'Where alone
The wild are constant and the cunning known.'

Such a sketch is furnished by the debarkation of the Puritans upon the coast of New England, and by the descent of Cortez upon the Mexican shore. When the English colonists left the old world, their last act was to implore the Divine blessing upon their enterprise, and, when they reached the new, their first act was to return their thanks to that Providence which had protected them in their voyage across the ocean. Before they left their vessel, they prescribed and established a form of government, in which they declared they had undertaken to plant the first colony in the northern parts of Virginia, for the glory of God and the advancement of the Christian faith, and for the honor of their king and country.

"What a contrast is presented between the humble appearance and the lowly and subdued spirit, but firm purpose of these self-expatriated men, and the Spanish invasion, with

'The neighing steed and the shrill trump,
The spirit-stirring drum, the ear-piercing fife,
The royal banner, and all quality,
Pride, pomp, and circumstance of glorious war.'

The English colonists were impelled by their high regard for the rights of conscience; the Spanish conquerors, by their thirst for gold. The bible and the magna charter were borne by the one, and the sword, the cross, and papal decrees by the other. The physical and moral results are before the world, and promise to go down to after ages, furnishing one of the most impressive lessons in the whole history of man."

And further on, in passing this period in review, he remarks:

"I do not mean to say that the white man was always right, and the red man always wrong. I do not mean to deny that the ancient possessor had too often just cause to complain that his

inheritance was violently reft from him or craftily obtained. And the tradition, that the first settlers upon a part of the coast asked for a seat which could be covered by a buffalo robe, and then, cutting this into thongs, took possession of all the land it would encircle, if false in fact, was certainly true to the feelings of the Indians.

“Ancient chronicles have brought down to us a similar tradition respecting another barbarous people, separated by a wide interval of time and space from our aboriginal inhabitants. The legend of the flight of the Tyrian colony under Dido, and its establishment upon the African coast, says that they purchased of the indigenous people as much land for the site of Carthage as could be covered by a bull’s hide, and then dividing this into the smallest strips, claimed all embraced within it. Virgil has recorded the purchase, but omitted the deception, out of tenderness, perhaps, to the memory of the deserted and disconsolate queen :

‘Mercatique solum, facti de nomine Byrsam,
Taurino quantum possent circumdare tergo.’

But the piece of land as big as a hide was the purchase, as described both by the eastern and the western primitive possessor. However or wherever the traditions may have originated, the coincidence of sentiment is interesting, as is the proneness of barbarous people, while they feel the superiority of civilized men, to attribute all the difference which results from the intercourse, to cunning rather than to wisdom.”

When he reaches that bright era in American history devoted to the investigation and assertion of human rights :

“Many a fervid mind was at work upon the foundation of society. Many a received dogma was swept away with contempt. It is not a little curious to compare the advance of society in some of the most important elements of human knowledge, at different stages of its existence. It will be found that sometimes centuries roll away, while certain great departments of science are stationary, if not retrogressive. At other times these are pushed forward with wonderful rapidity, like the spring that has long been coiled and is suddenly unbent. Who can point out a single advance in the most important of mere human institutions, that of governing society, during centuries of the most enlightened period of antiquity? Wherein was the theology of the Roman empire better

than the religious fables of Greece, or their prototypes, nourished under the shade of the pyramids? In the philosophy of the intellect, who was ever made wiser by the metaphysics of Aristotle? And who does not know that his system of dialects ruled the world of mind, from his own era down to the very dawn of our day?—ruled it with absolute sway, affecting not only to teach the way to knowledge, but to contain within itself the very cycle of all that was known or could be known. Studying nature in the closet, instead of walking abroad and surveying her works; not proceeding by induction, and deducing general laws from the operations of the world, but rashly advancing theories, and then boldly promulgating them, as the laws impressed by the Creator upon universal matter.”

His large and learned auditory was charmed with the discourse. It displayed an intimate knowledge of the social and political institutions of his country, and of the world. It showed him to be a man of thought as well as of research, and that his disposition and inclination was to overlook the vices of other ages and nations, and retain only their virtues. The gentlemen of the Historical Society felt themselves honored by the production, and resolved to perpetuate it among their archives.

CHAPTER XX.

The Florida War—Its Origin—Its Conduct, whilst General Cass was Secretary of War—An Examination of Testimony given before a Military Court of Inquiry, at Frederick.

The Florida War—as it is familiarly called—occurred during the second term of General Jackson. The events that gave rise to it, however, date farther back. In September, 1823, a treaty was made at Fort Moultrie, South Carolina, between the United States and the Seminoles, by which those Indians relinquished their claims to large tracts of land in Florida, with a reservation of a small portion for a residence. Subsequently, disputes arose respecting the construction of this treaty, the Seminoles insisting that it gave them undisputable possession for twenty years. This dispute resulted in another treaty made at Payne's Landing, in Florida, by Colonel Gadsden, agent of the United States, by which the Seminoles stipulated to cede their reservation, and remove beyond the Mississippi. A delegation of their chiefs, appointed by the treaty, was sent, at the expense of the United States, to examine the country assigned them, and also to ascertain whether the Creeks, who had already emigrated, would unite with them as one people. If the Seminoles were satisfied on these points, then the treaty was imperative. The Indian delegation, after examining, concluded a treaty with the American commissioners, rendering absolute the treaty of Payne's Landing. To this transaction some of the Indian nation objected, and contended that the delegation had exceeded their powers, and that they should have reported the result of their mission to them and taken a vote; and unfairness and treachery were charged. The Indians, as the final stipulations in the treaty now stood, were to remove within three years, and to commence emigration in 1833. The Indian nation at large, however, objected so strongly, that their removal in that year was not attempted.

But the policy of the administration was fixed, and although a short delay was granted, with the view of producing a more willing disposition to remove, there was no radical modification of

the policy. Hence, in 1834, the President appointed General Wiley Thompson an agent for superintending the removal, and sent him to Florida to make the necessary preparations. Captain Russell, of the army, accompanied him as disbursing officer. General Thompson soon found, and so reported to the government, that most of the Indians evinced an unwillingness to leave their homes, contending again, that the treaty gave them twenty years undisturbed possession, and also alledging that though the lands beyond the Mississippi might be good, the Indians there were bad. On reporting this to the Department of War, a reply was promptly forwarded that they were to be removed for their own benefit, and would not be permitted to remain ; that the military force in the neighborhood of these Indians would be increased ; and General Thompson was directed to inform them that the annuity, under the treaty of Fort Moultrie, would be withheld until they consented to emigrate ; and he was also required to communicate freely with Brigadier General Clinch, by brevet, of the army, who owned a plantation near the Indian reservation.

The President, also, sent a conciliatory "talk" to the chiefs, who assembled to hear it on the twenty-eighth of December, 1834. They discussed, with the government agent, their intended departure, seemed much gratified with the President's talk, and their principal chief, Osceola, or Powel, with others, parted apparently in perfect good humor. General Clinch wrote to the War Department, inquiring if it would not be better to let them remain until the next spring, provided they would consent to remove peaceably on the first of March. "I believe," said he, "the whole nation will readily come into the measure, and it is impossible not to feel a deep interest, and much sympathy, for this people." The answer was, peremptorily to proceed without delay to their removal. The Indians, on the twenty-second of April, 1835, acknowledged the validity of the treaty of Payne's Landing, and agreed to carry it into effect.

In November, 1834, upon the receipt of the first intelligence, by the War Department, that difficulties might possibly occur with the Seminoles, General Clinch was directed to assume the command in Florida, and the necessary instructions were given him for his government.

Some two years afterwards, a military court of inquiry convened at Frederick, in the State of Maryland, in consequence of the

Florida war; and in answer to the main question before that court, "What in your opinion prevented the subjection of the Seminole Indians in the campaign conducted by General Scott, in Florida, in 1836?" General Clinch, in substance, asserts that it was owing to the neglect of the head of the War Department in not having made more adequate preparations in 1835, and early in 1836. In other words, because there were not troops enough in Florida to prevent the Indians from commencing hostilities; therefore, the campaign to reduce them was unsuccessful. A strange answer to a most sweeping inquiry.

The causes of the Indian hostilities, or the measures taken by the government to prevent them previously to the assumption of the command by General Scott, in 1836, were not subjects before the court. They were questions of public policy, properly cognizable by Congress alone, and which had more than once engaged the attention of that body. But between them, and the nature of the military operations, there was no just connection; and whether there were in the country, before the war, ten men or ten thousand, was a question having no relation to the duties of the court, or the conduct of General Scott.

From the accounts given of a dinner to General Clinch, in Florida, shortly prior to the assembling of this court, it would seem, from the address made by him on that occasion, that he entertained unpleasant feelings towards General Cass. He attributed to the latter his being suspended in command, and to the President the return of his commission, which he had tendered to the government. To this it is sufficient, here, to say that a morbid sensibility, or some other motive not more worthy of tolerance, led him, it would seem, to mistake his own claims and situation, and to become the vehicle of unjust imputation.

Two reasons produced a change of command. The occurrences in Florida, in the month of December, 1835, information of which reached Washington in January, 1836, led to the conviction, that measures upon a more enlarged scale had become necessary; and at the same time reports were received, indicating that the Creeks had manifested a determination to join the Seminoles in hostilities. As two series of operations, under different officers, against enemies near enough to co-operate, and with the same habits, and feelings, and objects, were to be avoided, if practicable, and as the amount of force to be called into service might be such as to justify

the States furnishing troops, in sending into the field major generals with their requisitions, it was obviously necessary to vest the principal command in an officer of the highest rank in our service. It was very desirable to have an officer of established character and experience, particularly in a duty involving such a heavy responsibility in its expenditures ; and not to leave the command to fluctuate, as general officers of the militia might be called into or retire from service. General Clinch was a brevet brigadier-general, and therefore liable to be superseded by a major-general of the militia.

But there was a still stronger reason for this measure. The ambush of Major Dade, and his command, on the twenty-eighth of December, 1835, the battle of Withlacoochie, on the thirty-first, the massacre at Camp King, and the exposed condition of Florida, painfully excited the public mind, particularly in the Southern States. Spontaneous movements were made in that quarter for raising troops, and the patriotism of the country called into service many corps, before the state of affairs could be known at Washington. There were no telegraphic wires for the lightning to travel upon. The government was required by public opinion, as well as by the higher obligation of duty, to take the most immediate and efficient measures for the suppression of hostilities. General Clinch was isolated in the heart of Florida. In fact, his true position was necessarily unknown, for events were every moment changing, and the aspect of affairs becoming worse. His communications might at any moment have been intercepted, himself remain ignorant of the measures of the government, and they of his situation and designs. General Scott was in Washington. No time would be lost in giving him the necessary instructions, and his route would necessarily lead him through South Carolina and Georgia, whence most of the force had to be drawn. While a dispatch was traveling to General Clinch, General Scott could be in the Southern country, or joining his force and plans. And besides, such a dispatch might have failed or been intercepted, and then in what condition would the country have been ? and to what just censure would the government have been exposed ? And even should the necessary authority reach General Clinch, much time must be lost in returning upon the route with his communications. He could not leave his command : affairs were too critical. And it must be obvious, that the arrangements

for such a campaign as was contemplated, could not be made without the presence and personal co-operation of the officer destined to command. The remedy for all this was obvious. And was the government to be deterred from adopting it, because General Clinch might choose to consider it a reflection upon him? There were much higher considerations involved in this affair than General Clinch seems to appreciate. He never had the slightest reason to consider himself injured. A just sensitiveness is an honorable feeling in a military man ; but if carried too far, it degenerates into mortified vanity. All governments have at all times assumed and exercised the right of changing their commanding officers at pleasure ; and especially so when the sphere of operations is enlarged. It is evident, therefore, that the change of command was not intended to cast, nor did it cast, the slightest reflection upon General Clinch.

As to the selection of his successor, it may safely be said, that General Scott had won his way to this command by high and honorable services ; and with respect to the return of General Clinch's commission, it is only necessary here to say, that General Cass proposed the measure to the President, by whom it was cordially approved, as well as was the assignment of General Scott to the command.

It was intimated before the court, that time was lost by the War Department in putting General Scott in motion. The most cursory attention to dates, as recorded in the Adjutant General's report of February ninth, 1836, published by order of Congress, will show that the action of the department was not less prompt upon that occasion than upon all others.

Unofficial information of General Clinch's action reached Washington on the seventeenth of January ; and on the same day a plan of operations was devised, and the necessary instructions given to General Eustis for its execution, to provide, as far as seemed necessary, for the vigorous prosecution of the war. Three days later, to wit, on the twentieth, reports were received that the Creeks meditated hostilities ; and it was, therefore, considered necessary to enlarge the sphere of operations, and to call General Scott to the command ; and this was done, and detailed instructions prepared and delivered to General Scott on the next day. General Scott, in his defense, said : " I do not mean to intimate, Mr. President, that any time was lost by the War Department in

putting me in motion, after the news of Clinch's affair of December thirty-one, which preceded at Washington the account of Major Dade's melancholy fate on the twenty-eighth." In view of the facts as above stated, if it was necessary for him to allude to the matter at all, it would have been more just, more noble, more in consonance with his own chivalric character, to have said plainly and explicitly, that never, in his experience, were more prompt or decisive measures taken than on that occasion—measures, whose discussion and consideration extended far into the night, and broke upon his rest as well as that of the Secretary of War.

Rumors of Indian disturbances are matters of frequent occurrence. Sometimes these have been followed by hostilities, but more frequently they have proved unfounded. It is obviously impracticable to keep a superior force to the Indians upon any point of our extended and exposed frontier ; and were troops collected upon every rumor, the country would be subjected to enormous expense, and the army and militia to perpetual fatigue. It is the duty of government to act prudently as well as promptly upon these occasions ; and while efficient measures are adopted, where they appear necessary, to withhold them where they do not, and to preserve in these measures a just proportion to the strength of the Indians, and the probability of their hostile designs.

The accounts are conflicting as to the exact amount of the white population in Florida in 1835. It was agreed on all hands that it probably exceeded thirty thousand. This is an important fact to be borne in mind by the searcher after truth, because each part of our frontier must be expected to supply a considerable proportion of the force at any time required to repel sudden aggression of the Indians. No one estimated the number of Seminoles higher than five thousand, and the official records of the War Department reduced it to three thousand. There was, then, near the theater of difficulties, a permanent force, ready to aid the efforts of the army, and abundantly sufficient, agreeably to all preceding experience, to restrain or subdue the Indians.

A treaty had been formed with the Seminole Indians, providing for their removal west of the Mississippi; and from the time which had elapsed, and the reluctance manifested by the Indians to remove, it had become necessary to take measures for carrying the treaty into effect. But all the difficulties anticipated with this

tribe, were expected to result from the contemplated movement; and no one looked to hostile demonstrations on the part of the Indians until, and unless they were required to emigrate. The prevailing sentiment in Florida was, that the Seminoles would not make a hostile movement before the arrival of the period fixed for their departure. Governor Eaton distinctly stated, in a letter to the Secretary of War, that their hostilities were entirely unexpected at that time by the people of Florida; and the Secretary of that territory communicated the same information. The whole correspondence of General Clinch, until just before the commencement of actual hostilities, indicates the same opinion. The Department, therefore, had a right to suppose, as it did suppose, that General Clinch had time to collect all his force, and to anticipate the Indians, should he become satisfied of their hostile designs.

It is important for the searcher after truth to know, also, the amount of the Seminole population. Captain Thurston, in his testimony before the court, estimated them at the high figure of five thousand. Lieutenant Harris, a very intelligent officer, and charged with the duty of providing and distributing the articles stipulated by the treaty to be given to the Indians, and well acquainted with them, estimated them in a report to the War Department, as not exceeding three thousand, including negroes, of which sixteen hundred were females. This was the latest report upon the subject, when the war broke out, and derived value from the fact, that as certain articles were to be distributed to each Seminole, and as Lieutenant Harris had this duty to perform, it was obviously necessary for him to use his best exertions to ascertain the full number, in order to avoid any complaint at the distribution; and it was as obviously the policy of these Indians not to diminish in their report their actual number. General Thompson, the Indian Agent, in a letter to the Commissary General of Subsistence, of August twenty-ninth, 1835, says: "I have resorted to all practicable means of information to ascertain, with a probable approach to precision, the actual number of the Seminole people, and I am induced to believe it very little exceeds three thousand."

General Scott, in one of his reports after his campaign, states that there had never been five hundred warriors collected together at one time, in Florida. The President supposed their whole force did not exceed five hundred; and previous circumstances had given him very favorable opportunities of forming a correct

opinion upon this subject, and no person expected the whole of the Indian force would be opposed to us. Because, a considerable party was desirous of emigrating, and the previous history of our Indian wars had furnished example after example, where, on the occurrence of hostilities with any of the tribes within our borders, a division of the tribe has taken place, that the seceding party had uniformly either remained neutral or joined us; and in the case of the Seminoles, even, a band of about five hundred left their people at the commencement of hostilities, and placed themselves within our lines.

In the report, already alluded to, of the Adjutant General, is embodied a report from the Commissioner of Indian Affairs upon this subject, in which he states, that assuming the estimate of Lieutenant Harris as correct, and supposing the Seminoles equally divided on the question of emigration, there would be seven hundred Seminole males, children, and adults, forming the hostile party. He supposes that not more than one half of this, to wit: three hundred and fifty persons, were fit to bear arms; but he adds, that this hostile party may have received accessions from the other party, and also from the Creeks. The current accounts of that day justify the belief that but few, if any, of the Creeks joined the Seminoles.

It was under all these circumstances that the Secretary of War thought the estimate of five hundred hostile warriors sufficiently high. He was not answerable for the accuracy of the information. He was only answerable for the use which was made of it. It was the only basis upon which the government could act. And it may with propriety be added, that the number of Indians is usually over-rated, rather than under-rated; and that in almost all actions we have fought with them, subsequent information has reduced the estimate of the numbers originally given upon vague calculation.

There were two periods in the progress of the Seminole difficulties anterior to the commencement of actual hostilities. One between the origin of these difficulties, and the pacification, if it may so be termed, made by General Clinch, General Thompson, and Lieutenant Harris, with these Indians, in April, 1835, when a mutual, and apparently a satisfactory arrangement, was made with them, by which they agreed to remove during the succeeding winter, and the government agreed that they might remain until

then. The second period intervened between this time and the breaking out of the war.

The change of circumstances induced by this arrangement was overlooked by General Clinch in his testimony, because he refers, in proof of the charge he makes of the negligence of the government, to his letter of January, 1835, to the Department, asking for six additional companies. The state of things existing when he made that application, and to the time subsequent to the above mentioned pacification, was totally different; and it is wrong to refer to that application as any step in the series of measures having relation to actual hostilities. The force in Florida in the spring of 1835, was found, by experience, to be enough. It accomplished its object, and led to a mutual arrangement. A person looking at the presentation of this letter, with the others by General Clinch, would suppose that it constituted one of a series of demands made by him, and rejected by the government. He would never dream that it had a relation to a state of things which was terminated peacefully and successfully; and after which the force under General Clinch was, for some months, judged sufficient by him for the protection of the country. While he supposed the Indians altogether unfavorable to a removal, he estimated the necessary force to control them at twelve companies; but when they had consented to go voluntarily, he considered a less force necessary, as his letters and proceedings conclusively show.

What are the facts?

In January, 1835, General Clinch asked for six additional companies to strengthen his command, with a view to the removal of the Seminole Indians "in the spring," say in April or May, of that year. His demand was submitted to the President, who decided that four companies should be sent to Florida from Fort Monroe, and that General Clinch should be authorized to order the company at Key West to join him whenever he might think proper. Orders for these purposes were given on the 14th of February, 1835. When the estimated force of the Indians is taken into view, the just desire of circumscribing the expense as far as was prudent, and the material fact that, by the treaty, only about one third of the Seminoles could be required to remove that "spring"—say short of two hundred disaffected warriors—the decision of the President must be thought a discreet one.

But there is a still better authority, if possible, upon this occasion, in justification of the measures of the government. That is the authority of General Clinch himself. He asked, as the maximum of force which could be wanted, eleven companies, or five hundred and fifty men. He received nine companies, or four hundred and fifty men; and he received, also, power to order the company from Key West to join him, which would make ten companies, or five hundred men. His requisitions were for companies, and those requisitions were not neglected.

Well, then, the force sent to General Clinch carried him through the spring. He made an arrangement with the Indians which appeared to be satisfactory with them, and was so with the government, which quieted the frontier and induced the general belief that this troublesome matter was over. His force was found sufficient because his purpose was effected.

But General Clinch himself evidently considered a less force than that he named—and even a less force than that placed at his disposal by the government—adequate to the objects he had to attain. He did not call to his aid the company from Key West; and it is very important to remark, that while General Clinch accused the government, in his testimony before the court, of neglecting his application for a proper force, during that whole season the company at Key West—placed under his command the preceding February—almost in sight of Florida, and not more than one day's sail from its shore, was left by him upon that island, and never reached the sphere of his command till the twenty-first of December. The order authorizing him to call it to his aid must have reached him the beginning of March. During nine months, then, deducting the few days necessary to communicate his orders to Major Dade, and for that officer to cross over to the main land of Florida, General Clinch considered his force sufficient, or he was guilty of the neglect which he afterwards vainly charged to his government. And what stronger proof can be given of the assertion already made, that the hostile movement of the Indians was unexpected by him who, of all others, was charged with watching and restraining them, than this failure to employ for that purpose all the force placed at his disposal? But still further: General Clinch, in his letter to the department of April first, 1835, after stating his belief that an arrangement would be made which would quiet the Indians and be satisfactory to the

government, says that, "should the chiefs come to the conclusion to remove quietly, it would be still necessary to keep the present force in Florida." The chiefs did consent to remove quietly, and the then "present force" was kept in Florida; and nothing more did General Clinch then demand. In all this, where is the neglect of the head of the War Department?

So passed the first period of the Seminole difficulties. Thus did matters remain until fall, without any intimation from General Clinch that an additional force would be necessary. The first suggestion of this nature was made on the twelfth of October, by Lieutenant Harris, in a personal interview with General Cass, at the department. But, as General Clinch had not asked for any increase, it was not judged proper positively to direct it. But he was, nevertheless, authorized to call for two more companies, one from Pensacola, and one from Mobile, if he thought necessary; and orders were issued to the commanding officers of those companies to hold themselves in readiness for an immediate movement.

On the twenty-first of October, a letter was received from General Clinch, dated on the ninth of that month, in which he suggested the propriety of being authorized to call into service one hundred and fifty mounted volunteers, to aid in the removal of the Indians, and suppress any difficulties which might occur. "But," says the report of the Adjutant General, before referred to, "as this force was required to aid in the removal, and to prevent difficulties which were anticipated, and not to repel hostilities which had commenced, or which were then impending, General Clinch was informed in answer, on the twenty-second of October, that there was no appropriation authorizing the measure, and that the President, under existing circumstances, did not consider that the case came under the constitutional power to call into service additional force for the defense of the country."

This was the view of President Jackson respecting his own powers. General Cass fully approved of it, and so should any person who looks at the facts as they were then known at the seat of government, and at the constitutional powers of the President.

"But he was authorized," continues the report of the Adjutant General, "to order two more companies, viz: those at Forts Wood and Pike to join, which, with the two companies placed at his disposal on the fifteenth of October, made four companies of regular troops, in lieu of the mounted men. On the thirtieth of the same

month, orders were given by the Navy Department to Commodore Dallas, to direct one of the vessels of the squadron to co-operate with General Clinch in his endeavors to effect the removal of the Seminoles. In a letter received on the thirty-first of October, General Clinch requested that three companies of regular troops might be added to his command. He was apprised, however, by previous orders, that four had already been placed at his disposal."

General Clinch complained, afterwards, that these troops ought to have been sent from the north, rather than from the points whence they were ordered. This was a question for the proper military officers of the department at Washington to decide, having reference to the wants of the service and the position of the troops. The subject was referred to them, and the selection made of the companies enumerated. One leading reason is obvious. There was still ground to hope that coercive measures might not be necessary. It was, therefore, thought better to place these additional troops under the orders of General Clinch, at the nearest points to Florida, where they could remain, if not wanted, or whence he could speedily draw them when necessary, than to order them positively into the country from a great distance. As to the delay in their arrival, General Cass neither knew anything of the cause, nor is he responsible. The fault or misfortune was not in giving the necessary directions, but in their execution. Most assuredly, had proper diligence been used, the companies from Pensacola, Mobile, Lake Ponchartrain—and they best, could have reached Tampa Bay before the period of their actual arrival, as shown in the report of the Adjutant General, to wit: the twenty-seventh of November, and the twelfth, twenty-fifth, twenty-eighth and thirty-first of December. And it is perfectly evident that this delay did not originate in the want of time; for the Key West company, which might have been called into Florida nine months before, did not reach there until the twenty-first of December, nearly a month after the Pensacola company, which was only placed at General Clinch's disposal on the fifteenth of October.

The last measures directed by the government before the commencement of actual hostilities, are stated in the same report.

"In his communication from St. Augustine, dated the twenty-ninth of November, received on the ninth of December, General Clinch reported that, should he find it necessary for the protection

of the frontier settlements, he would assume the responsibility of calling out at least one hundred mounted men, believing that the measure would be sanctioned by the President and the Secretary of War. This approbation was communicated to him on the same day; and in addition to it, a letter was addressed to the Governor of Florida, requesting him to place at the disposal of General Clinch any militia force which that officer might require. Of this General Clinch was informed. He was also informed that, at the request of General Hernandez, orders would be given, through the Ordnance Department, to issue five hundred muskets, and the necessary accoutrements, to the militia."

Here terminated all the demands of General Clinch for troops, prior to the commencement of hostilities; with this exception, however, that on the ninth of December, he suggested the expediency of substituting four companies from the north instead of the four from the south, as the latter might not reach the country. But at the moment when the letter was written, one of these companies had already been two weeks at Tampa Bay, and all of them were there before the letter reached the War Department. So that suggestion was evidently impracticable.

Now let us slightly review this matter. We will pass over the first period, in order not to encumber the subject, and because an arrangement was made which, for some time, seemed to promise permanent tranquillity.

General Clinch had eight companies with him, and one more within his reach; and these, as has been shown, he deemed sufficient. His next demand was for three more companies, and this was succeeded and met by giving him four. He asked for one hundred and fifty mounted men, but the President did not feel authorized, in the then state of affairs, to call for them. He then subsequently stated he should ask the Governor of Florida for one hundred men, if he should find it necessary for the protection of the frontier. The President, believing that circumstances were then sufficiently menacing to justify this measure, gave his sanction to it; and, in addition, without any demand from General Clinch, he placed the whole militia of the Territory, through the Governor, at his disposal.

Now, as a matter of fact, General Clinch had a far greater force under his command than he ever required. It is not meant that he had collected them together. That was not the duty of the

head of the department. The measures adopted at Washington ought to have given him the full complement of regular troops asked for; in addition to which, he embodied five hundred militia, and that force was with him, as stated by the Adjutant General, at the battle of Withlacoochie, on the thirty-first of December, 1835. Why it was not in the engagement, has not been satisfactorily explained. General Clinch's personal conduct on that day was beyond all reproach, and never was the honor of the American arms more nobly sustained than by the regular troops. But this most favorable opportunity of terminating the war, by striking a decisive blow, was lost. The combat was sustained by about two hundred regular troops; indeed, it is said, by twenty-five or thirty militia. And why was not the whole force in action? A narrow stream, like the Withlacoochie, ought not to have prevented American riflemen from crossing upon logs—upon rafts, by swimming their horses, to take part in the struggle, unequally but gallantly maintained by their countrymen, within full sight; more especially as there could be no danger from the enemy in crossing, the regular troops covering the banks of the river. The regulars crossed early, and it was some time after they effected their passage before the action commenced. The enemy was repulsed by two hundred men. Who can doubt but that there was force enough, had it been properly directed and employed, to terminate the war at once? If these five hundred spectators had been brought into action, and the enemy broken and pursued by the horsemen, the victory might have been as decisive as any of those gained under happier auspices in the same section of the Union. If these troops were prevented, by insurmountable obstacles, from participating in the contest, General Clinch owed to them a full development of the circumstances. If they were prevented by any less justifiable cause, General Clinch owed to himself, to the regular troops, to justice, and to his country, a plain and unequivocal disclosure of the truth, bear where it might.

So much for the year 1835. The charge of General Clinch against the War Department extends to the year 1836; and he continues his accusation of neglect, asserting that a competent force and competent supplies were not provided "early" in that year.

It will be conceded that the eighth of January may be fairly said to be "early" in 1836. Well; then, on the eighth of January,

authority was given to General Clinch to call for any amount of force he might require, from the States of South Carolina, Georgia, and Alabama; and this measure was taken upon the responsibility of the department, and without any application from that officer; and the necessary requests were transmitted to the executives of these States. And on the tenth and thirteenth of the same month, upon the suggestion of the War Department, orders were given for the employment of three revenue cutters, and for the co-operation of Commodore Dallas' squadron.

The seventeenth of January was "early" in the year 1836. Well; then, upon the seventeenth of January, fearing, from the intelligence, which every day became worse, that the communication with General Clinch might be intercepted, and he thus prevented from executing the orders of the government, General Eustis, then at Charleston, was directed to proceed to Florida, and to take all necessary measures to keep open the communication with General Clinch, and to report to him for further instructions. General Eustis was directed to take with him the garrisons at Charleston and Savannah, and such a portion of the South Carolina militia as he might deem necessary; and the Governor of that State was requested to supply him with that force.

It may be said, again, that the twenty-first of January, 1836, was "early" in that year. Very well; on the previous day the first intimation reached the department of the unquiet disposition of the Creeks, and of the probability of their joining the Seminoles. It instantly became apparent that much more extensive operations might become necessary than had been contemplated. It was immediately determined to adapt the measures to be taken to this new state of things, and General Scott, with ample powers, was, on the twenty-first, ordered to take the command in that quarter, and he had unlimited means placed at his disposal. The measures taken for the employment of the proper force is what the head of the department is responsible for, not the execution of the measures. When a force is directed to any point, the proper military bureaus of the War Department make arrangements with or without the conjunction of the officer commanding, for all the *materiel* which can be required; and that officer has, besides, the right to make his requisitions, and, if necessary, to make the purchases for everything he needs.

These are details into which no head of the War Department can have time to enter, and it is precisely for their execution that the military bureaus are instituted. The Adjutant General states, in the report before mentioned : "I have not considered it necessary to detail, in this report, the orders given by the various military bureaus of the War Department, to provide the necessary means, such as transportation, ordnance, and ordnance stores, and provisions for the operations in Florida. All the measures in relation to these subjects, which appeared to be necessary, were duly taken." It was, at no time, alledged that the operations in Florida were crippled for want of supplies.

The failure of a campaign is an old subject for crimination and recrimination. In all ages and countries it has been futile in disputes ; sometimes confined to the officers themselves, and sometimes extending to the administration of the government. To bring these observations to a close, let it suffice to say that the Secretary of War differed from the commanding officer in relation to the policy to be adopted in carrying out the treaty of Payne's Landing. When it was intimated that some of the Seminoles distrusted the good faith of their chiefs, after their return from their tour of observation beyond the Mississippi, and began to give signs of discontent, General Cass was for urging the removal at once. He would have the emigration commence in the spring of 1835, instead of waiting until the fall or winter following. He had had too much experience with the Indians, and knew their character too well, not to be at least suspicious that, when fall came, another postponement would be asked for, and procrastination would become the studied policy of the Seminole nation at large. By the adoption of vigorous measures of removal, the Indians would be prevented from making much, if any, hostile demonstration ; and as to the humanity of the measure, if it was in consonance with right to insist upon removal taking place in 1836, so it was in 1835. Probably, if this policy had obtained, much blood and treasure would have been saved, and many valuable lives spared to the country. As it was, after actual hostilities broke out, all that he could do was to exert all the power which the government possessed in bringing the war to a triumphant termination. This was done, and General Scott took the command, with *carte blanche* as to men, means, and plans. His measures

were left to his own discretion, and he was authorized to call from the neighboring States such force as he might judge adequate to the attainment of the objects committed to him; and the various military departments were directed to provide and furnish all the supplies demanded. It follows, of course, that the government was not responsible for results. They did what every wise government should do in such a juncture. They sanctioned the full employment of all the means judged necessary by those upon whom was to devolve the conduct of the war. The main reliance, after all, as in most other wars in which our country has been engaged, was necessarily upon the militia. The small amount of our regular army, its dispersed condition, and the numerous points it is called upon to maintain, rendered it impracticable to carry on operations by its means alone, and, added to these considerations, there were, during a part of the Seminole campaign, strong reasons which all will appreciate, having reference to our foreign relations, which rendered it inexpedient to withdraw all the troops from the Atlantic and south-western frontiers.

There was not a report received of the operations in Florida, from the first apprehension of difficulties, which was not submitted to the President, nor any measure of importance taken, which was not first approved by him. No confidence is violated by making this announcement. And it is well known, that from the practice and organization of our government, the heads of the departments are in daily communication with the President, and that all questions of much interest are discussed with him; and to those who know the habits of rigid scrutiny which General Jackson carried with him into public life, it is not necessary to say, that no question could be presented to him which he did not carefully consider. In the examination of papers, he was remarkable for the most patient attention, and it is not invidious to say, that no man brought to every subject quicker powers of perception, nor a more intuitive sagacity. This authority is not resorted to for the purpose of shielding General Cass from responsibility under the constitutional prerogative of the President. The Secretary was ready at all times to acknowledge and feel his own responsibility to the fullest extent, and is always prepared to meet it. The measures directed by him became his measures, whether approved by the President or not; but the opinion of Andrew Jackson, the

Secretary was not indifferent to ; and his views concerning the operations in Florida possessed peculiar value, because of his intimate knowledge of the country, and of those Indians who inhabited that region, acquired during years of service there in a military and civil capacity, and of those personal claims to consideration which will be as undying as the history of our country.

CHAPTER XXI.

Battle of New Orleans—Intimacy between General Jackson and General Cass—The Latter at the request of the Former prepares an Authentic Account of the Battle—Appears in the American Quarterly—Defenses of the Country—General Cass' Report on the Subject.

In the December number of the American Quarterly, published at Philadelphia, appeared an article upon a book published in London, in 1834, entitled "A Narrative of Events in the South of France, and of the Attack on New Orleans in 1814 and 1815, by Captain John Henry Cook, late of the forty-third Regiment of Infantry." It was a work not without interest. The author related occurrences which passed before his eyes, during a period of active military service in Europe and America. Many of his descriptions were spirited and racy; and he exhibited a commendable effort at impartiality, and a spirit of free investigation. In his sketches of the battle of New Orleans, he was, however, imperfect; and so many accounts of that important transaction had from time to time appeared—differing from each other—that General Jackson felt a desire that an authentic account should be given, not only of the actual events of the eighth of January, but of the fortnight previous, and of the condition of that part of the country—of the true state of his command, and of the difficulties with which he had to contend. He asked his old friend, General Cass, to draw up the paper, and hence the appearance of the article alluded to. It was prepared with much care, and under the eye of General Jackson. It covered, in a condensed form, but yet at sufficient length to go into detail, the history of the attack and defense of New Orleans, and of the glorious triumph of the American arms, and the rout of the British. The style and language, as is usual with all the literary productions of its author, were inviting, and gave the President great satisfaction.

"On the night of the seventh of January," says this article, "the American lines were manned by the troops, who were aware, from the incidents around them, that the enemy was preparing for

the attack. The British had collected about forty boats, some of them armed with cannon, which were yet lying in the canal, ready to receive on board the detachment destined for the operations on the right bank of the river. Many a sleepless eye watched the slow progress of that night—many, indeed, which never watched again. No man can contemplate, without emotion, the approach of such a struggle as was then evidently impending. When the blood is up, and all the excitement of battle around us, the mind is withdrawn from the reflection of danger, or rather is elevated above it. Duty, hope, shame, habit, discipline, all conspire to stimulate to exertion. But ‘the pain of death is most in apprehension.’ It is in the stillness of the night, and of solitude, that those thoughts come over us, which are told in such burning words by the great dramatic poet of our father-land, when,

‘——, the dread of something after death,
The undiscovered country, from whose bourne
No traveler returns—puzzles the will.’

“The whole scene, with its associations, must have been singularly impressive to an Englishman—to a native of the older world, who had never seen the works of nature spread out in that magnificence which marks her operations upon this continent. Before him is that mighty river, of which he had heard from his infancy, rolling its endless floods to the ocean, and seeking its supply in the fountains of the north; traversing regions of boundless forests and perpetual solitude, and overtopping the rich but narrow plain which man had gained from its dominion. High up, on its trunk and tributaries, those nomades wander, whose origin is a mystery; whose condition, habits, institutions and history have arrested the attention of Christendom, since the veil which insulated them and their world has been withdrawn; whose fierce passions have always been gratified in the blood of friend and foe; who have been stationary, not in position, but improvement, while everything around them has been changing; and whose destiny we have no pleasure in anticipating. Around him is the primeval forest, bidding defiance to the slow progress of human industry, shown, and scarcely shown, in the little fertile tract it has taken a century of labor to reclaim. The promised city—the object of his hopes and toils—is within his sphere of vision, though shrouded from his view by the obscurity of the night, and guarded against his

approach by an enemy he came to conquer without an effort, but whom, he now fears, no effort can conquer. The river is sending up its dense canopy of fog, which gradually encircles all objects, animate and inanimate, and circumscribes the lonely spectator within his own narrow world. His companions had fought in many a foreign clime ; at Corunna, at Busaco, at Ciudad Rodrigo, at Badajoz, at Salamanca, at Vittoria, at Toulouse, at Martinique, and at other famous battles ; and where they had seen the *élite* of Europe flee before them, and its proudest fortresses yield to their impetuous valor. Now they had been foiled by a band of husbandmen—a ‘posse comitatus,’ ‘dressed in colored clothes,’ ‘wearing broad beavers,’ ‘armed with long duck guns ;’ ‘by lumps and crowds of American militia,’ and ‘by round-hatted Americans,’ but who, with practiced weapons, with stout hearts, sharp eyes, and steady hands, had placed themselves in the path between them and their prey.”

The article filled some sixty pages of the Review, and was read with avidity by all classes. It not only told the whole story, but it in fact came from the hero of that immortal day in the history of American warfare.

On the seventh of April, 1836, General Cass presented to the President his report, relative to the military and naval defenses of the country, and on the following day, General Jackson transmitted the same to Congress, approving of the report generally, and especially adding his concurrence in the views expressed by the Secretary on the topics of difference between him and the Engineer bureau.

The report was ably drawn up, and amid the variety of opinions entertained by many prominent statesmen and military men of high rank, removed much of the misconception prevalent, as to the wants of the country, both in peace and war. It recognized the benefits to be derived from properly appropriated fortifications, but earnestly recommended a discriminating and judicious application of the public money to the erection and full equipment of fortifications at certain definite localities, under the full belief that the adoption of such a policy would be more advantageous for general defense, than an indefinite, hap-hazard system of construction and equipment, as the dominant caprice of Congress might from time to time adopt.

After a scrutinizing examination of the nature and condition

of the northern frontier, washed by those seas which extend along its borders, the report expressed the opinion that it did not require permanent defenses, and that we might safely rely for its security upon those resources, both in the *personnel* and *materiel* which the extent and other advantages of our country ensure, and which must give us the superiority in that quarter. It suggested, however, the expediency of establishing a *depot* for the reception of munitions of war, in some part of the Peninsula of Michigan, and to strengthen it by such defenses as will enable it to resist any *coup de main* that might be attempted. From the geographical features of the country, our possessions there receded from their natural points of support, and were placed in immediate contact with a fertile and populous part of the neighboring colony. In the event of disturbances, the ordinary communications might be interrupted, and therefore it was advisable to have in deposit a supply of all the necessary means for offensive or defensive operations, and to place these beyond the reach of any enterprising officer who might be disposed, by a sudden movement, to gain possession of them.

It was upon the sea coast of three thousand miles' extent, that General Cass thought fortifications should be erected and a line of defenses established. This, in case of war, could be used in co-operating with the naval power. If the ocean, the great medium of communication and the element at the same time of separation and of union, interposed peculiar obstacles to the progress of hostile demonstrations, it also offered advantages which were not less obvious, and which, to be successfully resisted, requires corresponding arrangements and exertions. These advantages depended on the economy and facility of transportation—on the celerity of movement, and on the power of an enemy to threaten the whole shore spread out before him, and to select his point of attack at pleasure. "A powerful hostile fleet upon the coast of the United States," remarks the Secretary, "presents some of the features of a war where a heavy mass is brought to act against detachments which may be cut up in detail, although their combined force would exceed the assailing foe. Our points of exposure are so numerous and distant, that it would be impracticable to keep, at each of them, a force competent to resist the attack of an enemy, prepared by his naval ascendancy and his other arrangements, to make a sudden and vigorous inroad upon our

shores. It becomes us, therefore, to inquire how the consequences of this state of things are to be best met and averted.

“The first and most obvious, and in every point of view, the most proper method of defense is an augmentation of our naval means to an extent proportioned to the resources and the necessities of the nation. I do not mean the actual construction and equipment of vessels only. The number of those in service must depend on the state of the country at a given period. But I mean the collection of all such material as may be preserved without injury, and a due encouragement of those branches of interest essential to the growth of a navy, and which may be properly nurtured by the government, so that on the approach of danger a fleet may put to sea without delay, sufficiently powerful to meet any force which will probably be sent to our coast.

“Our great battle upon the ocean is yet to be fought, and we shall gain nothing by shutting our eyes to the nature of the struggle, or to the exertions which we shall find it necessary to make. All our institutions are essentially pacific, and every citizen feels that his share of the common interest is effected by the derangement of business, by the enormous expense, and by the uncertain result of a war. This feeling presses upon the community and government, and is a sure guarantee that we shall never be precipitated into a contest, nor embark in one, unless imperiously required by those considerations which leave no alternative between resistance and dishonor. Accordingly, all our history shows that we are more disposed to bear while evils ought to be borne, than to seek redress by appeals to arms ; still, however, a contest must come, and it behooves us, while we have the means and the opportunity, to look forward to its attendant circumstances, and to prepare for the consequences.

“There is as little need of inquiry now into our moral as into our physical capacity to maintain a navy, and to meet upon equal terms the ships and seamen of any other nation. Our extended commerce, creating and created by those resources which are essential to the building and equipment of fleets, removes all doubts upon the one point, and the history of our naval enterprise from the moment when the colors were first hoisted upon the hastily prepared vessels, at the commencement of our revolutionary struggle, to the last conquest in which any of our ships have been engaged, is equally satisfactory upon the other. The achievements

of our navy have stamped its character with the country and the world. The simple recital of its exploits is the highest eulogium which can be pronounced upon it. With ample means, therefore, to meet upon the ocean, by which they must approach us, any armaments that may be destined for our shores, we are called upon by every prudential consideration to do so. Though all wars in which we may be engaged will probably be defensive in their character, undertaken to repel or resent some injury or to assert some right, still the objects of the war can be best attained by its vigorous prosecution. Defensive in its causes, it should be offensive in its character. Our principal belligerent measures should have for their aim, to attack our antagonist where he is most vulnerable. If we are to receive his assaults, we abandon the vantage ground, and endeavor, in effect, to compel him to do us justice by inviting his descent upon our shores, and by all those consequences which mark the progress of an invading force, whether for depredation or for conquest. By the ocean only, can we be seriously assailed, and by the ocean only can we seriously assail any power with which we are likely to be brought into collision."

After setting forth strong reasons for providing liberally for naval operations, the report proceeds:

"It seems to me, therefore, that our first and best fortification is the navy. Nor do I see any limit to our naval preparations, except that imposed by a due regard to the public revenues from time to time, and by the probable condition of other maritime nations. Much of the *materiel* employed in the construction and equipment of vessels is almost indestructible, or at any rate may be preserved for a long series of years; and if ships can be thus kept without injury upon the stocks, by being built under cover, I do not see what should restrain us from proceeding to build as many as may be deemed necessary, and as fast as a due regard to their economical and substantial construction will permit, and to collect and prepare for immediate use all the munitions of war and other articles of equipment not liable to injury or decay by the lapse of time. Nor do I see that these preparations should be strictly graduated by the number of seamen who would probably enter the service at this time or within any short period. To build and equip vessels properly requires much time, as well with reference to the execution of the work as to the proper condition

of the materials employed. And the costly experiment made by England, when she too hastily increased her fleet, about thirty years ago, by building ships with improper materials and bad workmanship, ought to furnish us with a profitable lesson. Those vessels soon decayed, after rendering very little service. Naval means should, therefore, be provided at a period of leisure, to be ready for immediate employment in a period of exigency; and a due regard to prudence dictates that these means should so far exceed the estimated demands of the service as to supply in the shortest time any loss occasioned by the hazards of the ocean and the accidents of war. We may safely calculate that the number of seamen in the United States will increase in proportion to that rapid augmentation which is going on in all the other branches of national interest. If we assume that, at a given period, we may expect to embark in war, our capacity to man a fleet will exceed our present means by a ratio not difficult to ascertain. And even then, by greater exertions, and perhaps higher wages, a larger portion may be induced to enter the naval service, while no exertions can make a corresponding addition to the navy itself, but at a loss of time and expense and a sacrifice of its permanent interests."

General Cass, in this celebrated report, repelled the idea of shutting up our coasts by fortifications, and insisted that no nation would embark in the Quixotic enterprise of *conquering* this country. And, hence, that any army thrown upon our coast would push forward with some definite object to be attained by a prompt movement and vigorous exertions. He showed, too, that the system of fortifications adopted in Europe was inapplicable to America; and referred to our own experience as proof positive that an invading force could only command but little more than the position it actually occupied. He reasoned that, perhaps England might be considered conquered if London was taken—France, if Paris fell—but no such consequences would flow to this country by the capture of Washington.

"Our seats of government," said he, "are merely the places where the business of the proper departments is conducted, and have not, themselves, the slightest influence upon any course of measures, except what is due to public opinion and to their just share of it. If the machine itself were itinerant, the result would be precisely the same. Or, if, by any of the accidents of war or

pestilence, the proper authorities were compelled to change their place of convocation, the change would be wholly unobserved, except by the few whose personal convenience would be affected by the measure. Nor have our commercial capitals any more preponderating influence than our political ones. And although their capture by an enemy, and the probable loss of property and derangement of business which would be the result, might seriously affect the community, yet it would not produce the slightest effect upon the social or political systems of the country. The power belongs to all and is exercised by all."

After going over the subject of the national defenses, in all its ramifications, and discussing in detail the advantages and disadvantages of each locality, he put his suggestions in a practical form, under the following heads of recommendation:

1. An augmentation of the navy.
2. The adoption of an efficient plan for the organization of the militia.
3. The cultivation of military science, to the end that we may keep pace with the improvements in all the branches of that advancing science.
4. The skeleton of a regular establishment, to which additions might be made from time to time, as the public exigency should require—securing, at the same time, economy, with a due power of expansion.
5. The preparation and proper distribution of all the munitions of war.
6. Defensive works then in process of construction to be finished.
7. All the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, and particularly where we have public naval establishments, should be defended by works proportioned to any exigency that might probably arise.
8. Provision to be made for the necessary experiments to test the superiority of the various plans that may be offered for the construction and use of steam batteries, meaning batteries to be employed as accessories in the defense of harbors and inlets, and in aid of the permanent fortifications.
9. A reconsideration of the project for fortifying the roadsteads or open anchorage grounds, and its better adaptation to the

circumstances of the country. And then, in connection with the prosecution of the public works, he recommended: first, that the corps of engineers should be increased; and, secondly, that when the plan of a work has been approved by Congress, and its construction authorized, the whole appropriation should be made at once, to be drawn from the treasury in annual installments, to be fixed by the law.

A report so complete, upon a subject of such intrinsic importance, could not fail to arrest the attention of the people, and receive the consideration of Congress. It did so. The leading features of the recommendations are incorporated into our system of national defenses, and conserved the great business interests of the country and the sovereignty of the nation. And its author, for this labor, if for no other, is entitled to the lasting gratitude of the republic.

With other heavy cares of office making large drafts upon his time and thoughts, nothing but the dictates of the truest patriotism could have prompted his efforts. If he had been so disposed, he could very well have confined his attention to the ordinary routine of departmental life, and acquitted himself honorably, as the stereotype phrase goes; and if, perchance, he had happened to stumble upon some new project, however utterly foreign to the general scope of a cabinet officer, upon that could he have reposed for fame,—temporary, most assuredly, but, nevertheless, sufficient for the ephemeral quid-nuncs of to-day—known but yesterday and forgotten to-morrow.

CHAPTER XXII.

General Cass' Health—Desires to leave the Cabinet—Accepts the French Mission—Voyage across the Atlantic—Reception at the Court of St. Cloud—General Cass as a Diplomatist—His duties—His Memoranda of Court Customs—French Life—An Emeute—French Manners—French Knowledge.

General Cass' ambition in being a member of the American Cabinet at Washington, was early gratified; and, as the reader already has been apprised, he so informed the President at the commencement of his second term. It was more in conformity of the wish of the President, than of his own, that he remained a member. He continued in the discharge of the duties of Secretary of War until the summer of 1836, when, finding that his health was failing, because of the assiduousness which a proper discharge of the duties of the position demanded the year round, he acquainted the President of his desire to withdraw from public duties, and in retirement refresh his exhausted energies.

General Jackson was loth to part company with his old friend, and would not listen to the idea of his going into private life. A month, probably, elapsed before the President signified his willingness to accept the resignation; and even then it was conditional. The President was willing to exchange General Cass from the War office to that of a Foreign Ambassador at the Court of St. Cloud; and the acceptance of the Secretary's resignation in this modified form was assented to by General Cass, coupled with the condition that he should be permitted to travel on the continent and in the countries of the east, as soon as the business of the Legation at Paris would permit.

An important historian, in alluding to General Cass at the time he held the War post in General Jackson's cabinet, stated that, "In the important station which he now holds, his sphere of usefulness is enlarged, and none of his predecessors ever enjoyed a greater share of public confidence. Strict and punctual in his business habits, plain and affable in his manners, with powers of mind which grasp, as it were by intuition, every subject to which they are applied—united to various acquirements."

General Cass retired from the Department of War with a voluntary letter from the President, expressive of the warmest thanks for his valuable services, and earnest wishes for his welfare; and in October following he embarked in the ship Quebec, at New York, for Paris, accompanied by his family. Our diplomatic relations with that country had been for some time suspended, owing to the failure to make the payments due to us, agreeably to treaty stipulations, for injuries done to our commerce. The money, however, having been paid, there was no reason why this state of alienation should continue, and the necessary measures to renew the intercourse were therefore taken. But as no direct communication had taken place between the two governments, General Cass was instructed to repair to London, and there to wait till it was ascertained that he would be received, and that a correspondent step would be taken by France. The British government acted as the intermediary upon this occasion, and immediately received assurances that the advances of the United States would be met in an equally friendly spirit. Accordingly, an envoy was appointed, and after spending a few days in England, awaiting the result, our Minister repaired to Paris, where his reception was all an American could require.

This was General Cass' first voyage across the ocean, and the first time in a public life of thirty years, that he had turned his back upon his native land; and he now did so, only to again set his face towards the stars and stripes he loved so well, as soon as he could receive his *exequatur* from Louis Phillippe. All the knowledge that books could give of the countries to which he went, General Cass had by heart; and now the favorable opportunity had come for him to learn, by personal observation, how near or how far astray he was, from their truthful condition and position in the mighty scale of nations. He had seen America and American life, in all its diversified phases, from the dreary and barbarian wilds of Superior, to the pleasant and soul-inspiring savannas of the southern latitudes; he had, time and again, with the terrific war-whoops and death-song ringing their startling and melancholy cadence upon the ear, smoked the pipe of peace, and refreshed himself in the rude wigwam of the savage; and he had as often, and more, moved "the observed of all observers," in the most enlightened society, and among the most accomplished men of his time. He had witnessed, with equal pain, the treachery

of the savage, and the intrigue of civilized life. By no means an inattentive observer of the springs of human nature, whether in its primitive or cultivated state, he had drawn valuable lessons of wisdom from these wells of experience. He was now on the verge of the fifty-fourth year of his life. He had already been favored with a longer lease of human existence than many men; and many and many of his most valuable and cherished friends he already had missed from earth. As to political preferment, and the enjoyment of the distinction of office, already did he feel himself abundantly gratified. He had received the favor, in an unbroken line, of each successive President from the commencement of the present century, and partaken of their unlimited confidence. His remaining ambition was to maintain the dignity of his government at the proud Court to which he was now accredited, and, in contentment, familiarize his mind with all that he had read of, in the classics of his youthful days, and in the chronicles of the modern traveler. Much the larger portion of his active life had been passed by General Cass amid the struggles of a new country, where man and nature were contending for the mastery, and where the conversion of the forest and the prairie into pleasant farms and cultivated fields, could only be effected by indefatigable labor and by constant privations. He was now exchanging primeval solitudes, the haunts of the red man and of the animals, his co-tenants of the forest whom God had given to him for his support, for the highest state of improvement; for regions where the wealth and industry of long ages had been striving to embellish, and to cover with everything essential to human luxury and comfort. It is difficult to conceive a greater contrast than that which met his eye when he compared the splendors of Paris with the remote scenes of forest and prairie, where much of his life had been spent. But the display of European magnificence changed in nothing, either the sentiments or habits of General Cass. He returned as he went, a plain American, with his attachment to his country increased instead of diminished, by the artificial and unequal state of society which he witnessed abroad.

Immediately upon reaching the gay capital of France, he presented his letters of credence to the French government, and received permission to dwell near it. This mission was among the most important from the United States at all times, and eminently

so on this occasion. Diplomatic negotiations had been interrupted by the tardy payment of the indemnity for spoliation of American commerce. Under these circumstances, the new American Minister was specially directed to ascertain what were the feelings of the French government towards the United States. Scarcely had he been presented to the King than he undertook to procure the interest on the indemnity of twenty-five millions of francs, which had been retained at the time the principal was paid. In this he was presently successful, and thus had the satisfaction of terminating the dispute, which, at one time, threatened to involve the litigating powers in a war.

The fame of General Cass—as a man of superior talents, and for a long period occupying a distinguished position among his fellow countrymen—had preceded him in this great metropolis of Europe, and the leading capital of the civilization of the world. Not only diplomatists and statesmen sought the opportunity to make his acquaintance, but even the most illustrious literary men gathered around him, and paid him their tribute of respect.

The manner in which the American envoys, not unfrequently, conducted themselves towards their countrymen, was far from what it ought to have been. Many of these gentlemen seemed to have forgotten that they were the representatives of a people, each one of whom had a claim upon their attention as far as means and time would permit, but appeared to imagine themselves the representatives of an autocrat or monarch, of whom an humble, private citizen, had no right to ask the least service or attention; and when accorded, to be considered as a condescension and a favor. Of all this no person was better aware than General Cass, and he determined to reform it altogether. Nor was he unmindful of the position which his country entitled him to take in his intercourse with the many Diplomats accredited at that Court. The following anecdote may be taken as an instance:

From time immemorial it had been the habit of the representatives of the great European powers to prepare the discourses which were made to the Kings on New Year's day and other special occasions, when the Diplomatic corps presented itself in a body at the Courts. During his embassy in France, after having assisted at the first of these ceremonies, and heard the speech made to the King by the Pope's nuncio, as the organ of the diplomatic body, General Cass took occasion to wait upon the ambassadors of the

great powers, and to inform them that, as he represented a country of some importance in the world, he felt that as its representative he should be consulted as to the appropriate language to be used, in the annual discourse made to the Chief of the State, and that on all public occasions, if he should not be so consulted, he owed it to his government to decline accompanying the diplomatic body, and to ask for a personal and separate interview with his majesty, where he could use such language as the honor and interest of his own country might require. The success of this movement was immediate and complete. These ambassadors and ministers assured General Cass that no offense was intended towards him or his country, but that the old usage had been continued because no American Minister up to that time had ever objected to it. From that time General Cass was always consulted on these occasions, and it is presumed that the precedent thus established has been continued ever since in the person of his successor.

His conduct was unexceptionable. All Americans who visited Paris, while he was the representative of the United States there, bear united testimony to his uniform courtesy and politeness. His house was always open to American citizens, and his hospitality and kindness towards them, of the most liberal character. His object was to make his fellow countrymen feel at home when under the flag of the Legation, even in the land of strangers. And how admirably well he succeeded in doing so, let those of our readers who happened to sojourn in Paris during his mission, furnish the reply. His expenses, it is true, far exceeded his salary, and diminished his private resources. But, as in all other previous offices, he was determined to do his whole duty; and whatever pecuniary loss to him it might occasion, he resolved to forego, reserving to himself the perfect right to withdraw from the post, whenever the higher duty to his family and himself should require him to do so.

The interruption of diplomatic intercourse between France and the United States, had caused a great accumulation of business in the office of the Legation; and to the immediate dispatch of this, General Cass employed the first months of his residence at Paris. The tide of travel, too, from the United States, was accumulating upon the Continent, and through Paris, of course, it thronged. In carrying out the new regulations of the Legation, with reference to its conduct towards them, an extra amount of labor was thrown

upon the Minister ; but it was a labor of pleasure ; it was not toil, but a consumption of time.

Presentation to the king was always a part of the programme which each visitor had prepared. Different motives prompted this desire. With some, to learn, by personal intercourse, the manners and customs of a monarchical court ; with others, to see royalty in propria persona ; with all, to have it to say that they had not passed through the French dominions without the honor of an introduction to the " citizen king." There was no limitation to numbers, and the American minister sometimes asked for the presentation of fifty of his countrymen in one night. Whilst General Cass was minister, no application of an American for presentation was ever refused. During this period, the *modus operandi* of reaching the hand of the king, was as follows :

When there was a public presentation coming off at the Tuileries, the various strangers, belonging to different nations, who desired to be present, made known their wishes to their proper minister, who communicated them to the Minister of Foreign Affairs, and from whom, or from the Introducer of Ambassadors, an answer was given, authorizing their reception, and indicating the proper day and hour. When this time arrived, these persons repaired to the palace, and were introduced into a suite of apartments, commencing at what is called the throne room, and extending along the front of this immense building. The visitors were arranged in one line, passing down one side of the apartments and up the other. Their position depended upon the rank and seniority of the representative of their country. The ambassadors are nearest the point where the king approaches, and then follow the ministers plenipotentiary, the ministers resident, and the *chargés*, each in the order of time when he was accredited at the court. This sensible arrangement, in diplomatic precedence, was adopted by the Congress of Vienna, and terminated all those ridiculous disputes about rank which theretofore occupied such a space in the history of national intercommunication. The king and all his family enter the public rooms together, and the king commences his attention to the circle by a few moments' conversation with the oldest ambassador present. This ambassador then passes along the line with the king, presenting in succession each of his countrymen, and stops when he arrives at the end of his charge. Here the king salutes him, which he returns, and then

the same ceremony takes place with the next diplomatic agent, and so on, in succession, till the circle is completed. The name of each person is mentioned to the king, and he addresses him a few questions, generally having relation to his own country or to his visit to France. In a ceremonial like this, it is pretty difficult to exhibit much variety in the questions, but General Cass was told by those who accompanied the king throughout the whole ceremonial, that he displayed great tact upon these occasions. After the king had proceeded some distance down the line, the queen commences the same ceremony, and she is followed by the duke of Orleans, the princess Adelaide—the king's sister—and the duke of Nemours. The other sons of the family, when present, remained at the head of the apartment, and the princess Climentine—the youngest daughter—a young lady of beauty and accomplishments, usually made the tour of the circle, leaning upon the arm of her mother or her aunt. Such was the ceremonial of presentation of gentlemen at the French court. An application of the same kind was made in favor of the ladies who desired to be presented, but this application went to the proper lady of honor, and from her reached the queen. For ladies there were but two presentations in the year, generally in the first week of January; and the ceremonies nearly similar to the description already given.

The public conduct of Louis Phillippe differed from his predecessors, Louis Eighteenth and Charles the Tenth. The former associated himself with the glories of his country, and no petty jealousy prevented him from doing justice to Napoleon. He, no doubt, recognized the eminent qualities of the great chief of the revolution. His busts and engravings were everywhere to be met with, and his bronze statue, which stood upon the columns of the Place Vendome when General Cass was in Paris, and on which the glories of the emperor were recorded, looked out upon his favorite city like some guardian genius. The carpet that covered the saloon of reception at the Tuilleries, was the work of Napoleon's day, and emblazoned with his imperial emblems. It covered the same room during the Empire, but, on the restoration of the Bourbons, it was removed, and deposited in some lumber apartment.

How blind must have been they who could not, or would not, see that, between the epochs of 1789 and 1815, ages of ordinary life had been compressed; and that there was more sympathy between the ages and the convocation of the turbulent councils of

the middle ages and the States General in 1789, than between the latter event and the accession of Louis Eighteenth to the throne of his ancestors. But the Bourbons, as has been truly said, learned nothing and forgot nothing. Charles the Tenth, of the two, was more unfortunate in this respect. This king had such an aversion to the revolution that he refrained to pronounce even the name of the king of Sweden, because he was a *parvenu*. This was an unpardonable crime in nature, not to be overlooked by this proud Bourbon. At his levees, when he received the diplomatic corps, he usually addressed to each representative of a monarchical government some question respecting the health, residence, or family of his sovereign ; and, as the story goes, when it came to the turn of the Swedish minister to be received, the king, inflexible in his determination to avoid all reference to the northern monarch, inquired if there were any news from Sweden. The minister—the Count of Loewenheilm—a man of great worth and a veteran officer of high rank, as resolute that the king should hear the name of his sovereign as the latter could be not to pronounce it, invariably replied : “I thank your majesty ; my master, the king of Sweden, is very well ;” and General Cass was told, by those who had often witnessed this royal and diplomatic encounter, that the question and answer were as regularly put and returned as any other ceremony of the presentation ; and the thing was so well understood that the whole circle always prepared itself to see the effort of the king to preserve his dignity and to smile at an exhibition of royal weakness. And yet such are too often human rulers.

It is scarcely credible, yet the fact is well known, says General Cass in his diary, that, when the result of the elections of 1830 had left the government in a minority in the chamber of representatives, and had given proof of the discontent of the country, no preparation was made to meet the storm which the measures in contemplation necessarily tended to produce. The faithless and violent attack upon the Constitution, dignified with the name of a *coup d'état*, but which was, in truth, one of the most perfidious efforts which power has ever made to crush public rights, found the king at St. Cloud, calmly enjoying the pleasures of rural life. When the cannon of Paris—the knell of his power—announced to him that the people had risen, and that his crown, and, perhaps, his life, depended on the issue of the contest, he was engaged in a

game of cards, and tranquilly gave orders to his *grand huntsman* to arrange a hunting party for the next day. But that day opened with a different chase, and there were other hunters and other game in the field, and the unfortunate monarch became himself the stricken deer. Had this effort of arbitrary power proved successful, the fruits of the revolution would have perished, and France would have been prostrated at the foot of a master. Still more: it would have been the signal for the death-blow to all the free institutions of Continental Europe, and would everywhere have opened the way for conspiracy against public rights. But France arose in its strength, and the reigning branch fell in weakness.

While General Cass was in Paris, he spared no pains to inform himself of the actual condition of the people, and he endeavored to acquaint himself with their sensations and sentiments. Actions frequently speak louder than words. He had read much and heard much of their excitability, and popular outbreaks; and as these had occurred so often, he sometimes thought that, perhaps, after all, they were more like the startling scenic plays of the theater, to afford temporary gratification, than for permanent prosperity. He had not so far lost the Yankee curiosity of his ancestors, as not to occasionally wish he might have the opportunity to witness, as a spectator, some of these public commotions. Strange enough, it was to happen, that he could gratify this morbid desire. We will take the account as he tells it.

"I did not wish that an *emeute* should occur at Paris, while I dwelt there, in order that I might see it; but I was determined, if it did occur, that I would see it if possible. Accordingly, during the movements in May, I sallied out, not to mingle in adventures, but to witness them; and after threading many a dirty street and alley, I reached a crowded part of the city, south of the Boulevards, between the streets St. Martin and St. Denis, where all the communications are narrow and crooked. At the intersection of four of these streets, I found a party of men busily engaged, some in breaking the lanterns, and others in building a barricade to stop the troops, from materials furnished by a house which appeared to have been recently demolished. There was an immense crowd looking on, but the persons actually engaged in the work did not exceed forty, all of whom were dressed in that garment peculiar to the Paris workmen, called a *blouse*, and which resembles the hunting shirt I have often worn in the West, and which I

suppose yet retains its place in some parts of that vast region—though, perhaps, like the buffalo, in whose company I have worn it, it has crossed the Mississippi, and may now be accompanying the hunter and the pioneer towards the Rocky Mountains.

“Seeing these men thus busily engaged, I inquired of some respectable looking individuals, what their object was ; but was told, with much decision and apparent frankness, that they were as ignorant of the matter as I was. It was obvious, from occasional signs and movements, that some associates of the party were placed in the various streets to give notice of the approach of any military body which might receive information of the illegal operations in progress. After some time, the immense crowd seemed alarmed, and dispersed themselves in all the neighboring alleys, as fast as the impediments occasioned by their own numbers would permit. I then saw a detachment of regular soldiers approaching the barricade, and when they got near, the commanding officer formed his men across the principal street along which the fugitives were fleeing. I did not suppose that it required much courage to remain, for I was sure a single unarmed man would not be fired upon ; and I felt satisfied that my character as a stranger would protect me from violence. I could not, indeed, ‘hang out the banner on the outer wall,’ as Mr. Poinsett did, with such decision of mind and firmness of purpose, when his residence was attacked and his person threatened in Mexico. I have always considered the conduct of our distinguished countryman upon that occasion as furnishing one of the happiest illustrations of the effect of decision and courage upon a mass of excited men, freed from legal restraint, which is to be found in the whole history of popular movements. It is almost the personification of Virgil’s beautiful allusion to the appearance of the ‘*vinem gravem meritis*,’ who presents himself to the enraged crowd, and stills the tumult of their passions. With one change, rendered necessary by the circumstances which called for action, not for words, we may adopt the last line of this highly wrought simile, and say of our countryman what the Roman poet said of his : ‘*Ille regit dictis animos et pectora mulcet*.’ Human life affords no prouder moment, than when the minister threw out his country’s flag, and when he and his little suite, while watching the stars and stripes as they unfolded themselves, beheld the effect which this appeal—this visible declaration, ‘*sum civis Americanus*,’ produced in the capital of

Montezuma, and upon an ignorant, infuriated multitude. Our sister republic was spared the commission of a crime which would have drawn upon her the execration of the civilized world.

"I had no such part to play, and most assuredly, if I had had, I could not have played it so nobly. I was a spectator only, and as such watched the proceedings before me. The officer waved his hand to the people who, from the windows of the neighboring houses, were regarding the proceedings, intimating to them to withdraw from the approaching danger. He then directed his command to aim, and the guns were brought to bear upon the flying crowd. At this moment I stepped up to the officer, and told him I had been a spectator of the whole occurrences in that quarter for some time, and that the people upon whom he was about to fire were persons who, like me, had not been engaged in the mischief, but had been led by curiosity to watch its progress. I added, that those who were really guilty, had escaped by the lateral alleys, having been warned in time of his approach by their spies. The officer appeared to be a discreet man, and opposed to unnecessary severity. He directed his men to bring their arms to a shoulder, but many of them hesitated, and I saw him strike their pieces with his sword, before they were withdrawn from the position of firing. I had thus the evidence of my own eyes, that the assertions respecting the infidelity of the military, and their indisposition to support the government in a moment of extreme peril, were false. They were anxious to act, and to act efficiently."

From conversations with men of mark, he found that an injurious effect had been produced upon the European estimate of our standard of morals and measures, by the illiberal, and, in many instances, false statements of British travelers. With but few honorable exceptions, most of them were mere gossips in pantaloons or petticoats, who, having crossed the Atlantic to read us homilies upon our barbarous usages, returned to convince their willing countrymen that political institutions and social life in the new world offered nothing consolatory to the observer. Belied so much, had we been, that the people seemed to be incapable of appreciating the effect of events in public or private life. And this obtuseness was not confined to the uneducated.

"I was asked a day or two since," says the diary, "by a distinguished diplomatist, what was the meaning of the term *loco-foco*, in our party politics. How; thought I to myself, is it possible that

so local an epithet has traveled so far! But on my return home, the difficulty was solved, and I found that the *Journal des Débats*, that most unfair of all the periodicals of France, upon every topic connected with our country, had been reading its patrons a homily upon the critical condition of the United States, and upon the approaching downfall of its liberties. The temporary delay in the organization of the House had furnished the text, and the imagination and ill-feeling of the writer had supplied the commentary. And truly he had manufactured a most respectable ‘raw-head-and-bloody-bones’ out of these little words, ‘*loco-foco*,’ frightful enough to terrify every friend of liberal opinions in the eastern hemisphere.”

Many incidents, daily occurring in the usual walks of the Minister, evidenced how ignorant the people were of the relations of that country with the United States, or of the individuality of the American people. Paris was France, with them, and so, many of them, from their questions and remarks, appeared to consider Washington the United States.

✓ “I have scarcely found a single Frenchman,” says the diary, “who knows, or knowing, would acknowledge, the magnitude and injustice of the warfare which the Imperial Decrees waged upon our commerce. And one may travel from Lille to Marseilles without meeting a single person who appears to have a true conception of the nature of our demand for indemnification for these outrages, which led to the famous treaty of 1831. If you explain in general terms to a well-informed man, the ground of our pressing instances for compensation, and, by way of *argumentum ad hominem*, remark, that in a report to the Emperor, made by the Minister of State, I think in 1811, the amount of those injuries for which it was admitted the French government was responsible, was estimated at more than double the sum recognized by the Treaty of Indemnity, your auditor shrugs his shoulders, and does not believe a word you say, but, by way of a *silent retort courtois*, he thinks all the harder that republics are ungrateful, and that a clearer proof of this well established political axiom can not be found, than in the demand which the United States *trumped up* against France, after the aid they had received from her in the war of the Revolution. For my part, I wonder the treaty was ever negotiated, and after negotiation, I wonder it was executed. But to an illustration of the preceding remarks :

I know of a fellow-countryman here, who had ordered some articles of furniture, but finding, when they were brought, that they were badly made, he declined receiving them. After the usual discussion upon these occasions, the indignant *fabricant*, rising in the majesty of his nationality, exclaimed : ‘This is very ungenerous treatment, after France has given to your country twenty-five millions of francs.’ ‘The powers of nature could no farther go!’ I vouch for the substantial truth of this anecdote.”

General Cass took more than one opportunity when there was no particular public business demanding his attention, to travel through France, as well as to visit some of the adjacent countries. One observation struck him as making characteristic difference between his own country and those highly improved countries of the old world. Though it seems not to have attracted the attention of travelers, it still forcibly impressed itself upon his mind, and that is the almost entire want of forest trees, of fences and of farm-houses, which form so marked a feature in the American landscape. Once in a while, at rare intervals, a district is found with scattered and stunted trees, which by courtesy is called forest, but which bears little resemblance to the primitive vegetation of the western continent. Hedges and other kinds of enclosures are occasionally met with, but the great body of the country is unenclosed, stretching off like a prairie, till it is lost in the distance. The farming population, especially upon the continent, is collected into villages, and generally upon some site where was the baronial castle, affording in unquiet times the means of protection. There is now the church, and there also is the baker’s shop, and the other places of supply which are required by the prevalent habits of life, and the husbandmen go from their villages to their fields in the morning and return at night. A state of things like ours, where every hundred or two of acres has its owner cultivating his farm, living in a neat and comfortable house, and surrounded by everything desirable, is utterly unknown in Europe. The whole country presents a singular aspect of nakedness to the traveler from America.

General Cass also visited England, and with the same mixed emotions of admiration and regret which its scenes of magnificence, of poverty, leave upon the memory of our countrymen. He was present at the gorgeous spectacle of the coronation of the present queen, and in that splendid display, the incident

which struck him with most force, was the placing of the crown, the insignium of power and royalty, upon the head of a female barely eighteen years of age ; thus recognizing her the supreme authority in a country which absolutely excludes women from all other political power whatever. Under such circumstances of sex and age, the chief magistrate is but a pageant, and contrivances out of the Constitution must be resorted to, to do the work of the government.

CHAPTER XXIII.

General Cass Visits Italy, Greece, Syria, Egypt—His Tour—His Memoranda—General Reflections—His Return to Paris.

In the spring of 1837, General Cass found that the business of the Legation would admit of his absence from Paris for a few months. Availing himself of this opportunity, he took occasion to gratify a long-cherished desire, and in May embarked with his family at Marseilles, on board of the historical ship, the *Constitution*, bearing the flag of the United States, Commodore Elliott commanding, on an excursion to the east. He set sail for Egypt by the way of Constantinople. As this vessel was to touch at all the principal cities along the coast, it afforded the American Minister an opportunity of visiting them consecutively, without unnecessary delay, and, indeed, this was the reason why he sought this conveyance.

He saw, at last, far-famed Italy, her principal cities, and the ruins, which constantly reminded him of her former greatness, in all that wealth and learning could produce. He saw what was once the seat of the Cæsars, and the villas of Cicero and Horace. He wandered among the dilapidations of time, and imagined congregations, uproarious with pleasure, crowding and jostling each other, at the plays and games which fill the classics. He thought of armies, whose combats had shook the earth ; he surveyed the site of the Senate House, of the Colliseum, of the Forum—and was lost in wondering at the grandeur of Rome, and the colossal powers which made her mistress of the world ! He rested upon the soil where the deathless oratory of antiquity caught its eloquence, and poetry its divinity ; and, bowing in meekness to the Great Giver of both, hallowed them in his memory. He wandered in silence upon the banks of the Illissus, and saw in his mind those academic groves, so sacred and dear to every scholar. He traveled along the barren and desolate shores of Greece and Turkey, and pondered on the causes which once covered the land with a thousand cities of commerce. And he came

to the conclusion that nothing can be more useful to the statesman than such a journey, or better fit him for the discharge of the highest offices of the State. He cruised among the islands that stud the Ægean Sea, and, charmed with delight, looked in upon Sicily and Malta.

General Cass visited Attica, and from thence made an excursion farther into Greece. He paused at Eleusis—venerable as the scene of the great Pagan mysteries. Its massive monuments attested the sanctity of the place; and as he roamed among them, these silent monitors of history recalled to his memory the deeds and days of other times. Continuing his journey, he soon reached the mountainous ridge which bounds Attica to the north, and forms a barrier broken by ravines, admirably adapted to defensive warfare; and, on attaining its summit, a glorious prospect offered itself to his eyes, enriched by recollections of the past, and impressive from its present features.

Before him was the great plain of Boestia, and under his feet the ancient city of Plataea, with its gigantic walls here and there, erect or prostrate, looking as though a human footstep had not disturbed the site of this unfortunate city since its capture and destruction, so vividly described by Thucydides. Near by was a little muddy brook, the Asopus, winding its way through the plain, and reminding him of many a sluggish stream he had crossed, at the risk of his neck, in the Western prairies; and upon its bank was the famous field where Mardonius, the lieutenant of the great king, was defeated. In the distance was the Acropolis of Thebes, so renowned in history and fable, and between him and the city of Cadmus, was the battle-ground of Leuctra, where Epaminondas conquered and fell. After examining the environs of Plataea, and endeavoring to comprehend the plan of operations of the contending armies, and the true site of their struggle, he at length found one of the little *tumuli* described by Herodotus, as erected by the Greeks, over the remains of their countrymen who fell in this battle, and which attested the veracity of the historian, and the true theater of the conflict. He ascended its low summit, and thought of those who were beneath him, and looked around upon all this scene of precious recollections, with feelings difficult for him to describe, and, of course, for us to pen. He thought of the affecting but fruitless appeal which the inhabitants of this devoted city made, three generations later, when they invoked the memory

of these *parentalia*, to turn away the wrath of their countrymen. The story is told by Thucydides, in the third book of his History of the War of the Peloponnesus, and an instructive lesson it furnishes to every federative people—a lesson, where we might read our own fate, had we not, by a beautiful political constitution, organized our system of government, so as to protect the States against one another by subjecting each to all, in those questions where rival communities are not less subject than individuals to the infirmities of human passions.

He went to Athens, and mused upon its past glories. Thence he went to Marathon, and stood upon its glorious plain. Sterile and secluded, it yet contained that lowly mound, where the Athenians, who fell in the great day of Grecian deliverance, found a tomb and a monument. It had survived the revolutions of their country, and out-lived Turkish domination. When General Cass visited this lonely shrine, everything was desolate. No human habitation was in view. The little bay was unruffled, the plain quiet in its solitude, and the mountain impressive in its rugged nakedness. There seemed to be nothing between him and Themistocles; and the beautiful remark of Pericles in his funeral oration, presented itself with all the freshness of association, and all the vigor of truth.

“The whole earth,” said the renowned orator, “is the tomb of illustrious men, and this is not a tomb, known in one place only by vain inscriptions, but one which extends itself wherever their glory is spread.” Yes, a world, unknown to the ancient Greeks, has arisen since their sun went down, and yet the glory of their philosophers, warriors, and patriots, has penetrated its recesses, and General Cass, as one of the pilgrims from its distant shores, had come to offer his tribute to their memory.

He desired to visit those old regions so interesting from their history and associations, and he had it in view also to collect and transmit to the government useful information respecting the condition of that portion of the world, and the means of facilitating our commercial and political intercourse with it.

The route—to follow the itinerary more closely—lay along the Mediterranean, and some of it within sight of the Alpine scenery, to Genoa, known as the “city of palaces”—an epithet it well deserves from the magnificent buildings with which it is filled, the remnant and memorial of the proud republic, now degenerated

into an appendage of Sardinia, whose commercial and military fleets once carried her power and wealth over the habitable globe. From Genoa the course was to Leghorn, where the party disembarked and traveled by Pisa, renowned for its leaning tower, to the beautiful city of Florence, upon the Arno, the capital of Tuscany. Thence they set out for Rome, passing through the old city of Sienna, and among the Appenines by Lake Bolsena, a placid body of water, surrounded by volcanic mountains. All this region is a volcanic one, and the people are almost as primitive as their hills. They occupy the same fastnesses, and preserve the same habits as in the days of Romulus and Remus. An American gentleman in a high political situation abroad, mentioned to General Cass a characteristic incident which depicts the degraded condition of the peasantry. He was passing a short time at the seat of one of the Roman aristocratic families in this broken country, delightful in a warm season. Grapes are the principal objects of cultivation, and they are raised wherever the scanty vegetation allows the vine to take root. The lady, the head of the family, was walking over the domains with this gentleman, pointing out the objects worth examining, and especially the mode of culture. The laborers were busily employed in the vineyards, and some time was spent in looking at their work. The lady became fatigued, and beckoned to one of the men, who immediately approached, and apparently well understanding what was wanted, dropped down upon his hands and knees, his back thus forming a comfortable seat, which the lady occupied with all the *nonchalance* possible. After she was sufficiently rested, she rose; her footstool went away apparently well content with a performance of its duty.

General Cass, with his family, remained at Rome, looking at all the wonders, both ancient and modern, of the eternal city, and thence traversed the fatal campagna, to Civita Vecchia, where they re-embarked on board of the *Constitution*, and sailed for Palermo, in Sicily. They found this a large and well built city, but left it after a short detention; and passing around the southern and western coast of that large island, and often within sight of it, they reached Malta, after a prosperous voyage. This interesting island, the place of St. Paul's shipwreck, is but a few miles in circumference, and the *Constitution* merely touched at it, continuing almost without delay her route to the east. They soon came in sight of Cape Matapan, the southern point of Greece, and soon

reached the island of Syra, the most commercial place in Greece. Near it is the little island of Delos, renowned as the birthplace of Apollo, which is now destitute of permanent inhabitants, and where General Cass found only a few laborers engaged in making lime, from the marble relics which are scattered about. It requires a strong imagination to contrast the present desolate condition of this barren islet with its splendor and magnificence in the days of ancient superstition. From Syra the gallant ship soon reached the Pireus, the well-known port of Athens. After devoting a short time to the examination of the rich monuments of the city of Theseus, General Cass set out upon an expedition through Greece. He went first to Eleusis, the site of the most celebrated mysteries of the old world, thence across Mount Citheron to Plataea, the battle-ground of the great victory gained by the Greeks over the Persians, and from there to Leuctra, where was fought the battle between the Thebans and the Spartans, and in which Epaminondas, the Theban General, fell gloriously, after the overthrow of the hostile army. Nothing remains of this old city, and the travelers, devoting but a brief space to recollection of the events that give it interest, continued their route to the renowned city of Thebes. Here, too, time, the great destroyer, has swept away all vestige of former magnificence, and a miserable village is all that remains to mark this spot so celebrated in history. The journey was continued, passing by the foot of Mount Helicon, once the residence of the Muses, and which contained the cavern known as the Cave of Trophonius to Chæronea, the birth-place of Plutarch, and where was fought the battle between Philip and the Bœotians, and which finally led to the subjugation of Greece. An interesting discovery had shortly before been made. The two armies met in a narrow plain, bounded by rocky, precipitous hills, at the foot of one of which was the city of Chæronea, where an immense amphitheater, cut out of the solid rock, yet remains to show the extent of its population. A marble lion was erected not long after by the Thebans, in commemoration of their countrymen who lost their lives there. An English traveler, reading the accounts of the ancient historians, and comparing them with the ground, thought that a slight mound in the plain must be the place where this marble lion was buried. He opened it, and found this monument of ancient patriotism; one of the most beautiful works of antiquity which had been buried for ages. It had just been raised,

and our travelers gazed at it with emotions almost of awe, indicating, as it did, the site of one of the most decisive battles of the old world. From thence the journey was continued to Delphi, the world renowned seat of the ancient oracle, which occupies a cleft in Mount Parnassus. The party drank of the famous Castalian spring, and found the water very pleasant, but felt no inspiration from the draught. We submit to the reader the following reflections, copied from an address delivered by General Cass since his return from Europe :

"I have stood," said the speaker, "upon the cliffs of Parnassus, where flourished and perished the city of Delphi, the renowned seat of ancient heathen superstition, and where all that was powerful and great and learned, in the old world, periodically assembled to implore the protection of the gods of a vile mythology, and to ask of stocks and stones—the works of man's hands—what was to be man's destiny in that untried future which it is not given to created beings to penetrate or direct. Yes; the mighty and the lowly; the warrior, the statesman and the philosopher; the Alexanders and the Cæsars and the Ciceros, all yielded to the prevailing credulity, and came to this high place of heathen worship, with oblations and requests; with gold for the altar and prayers for themselves; prayers for an oracular response which should shield them from apprehended misfortune, or crown with success a contemplated enterprise. It was a strange chapter in the wayward history of man—this prostration of the human intellect in many a bright day of its power; this adoration of the beings of a corrupt imagination, usurping the prerogatives of the only true and living God. And splendid temples and palaces, rich in the most gorgeous architecture, studded the sides of the mountain, sending back, in glorious effulgence, the bright rays of a Grecian sun; and votive offerings of sovereigns and states and cities, from the pillars of Hercules to the land of Ophir; monuments of the victories of Marathon and Thermopylæ and Salamis, and of many a hard fought battle beside, swelled the treasures of the temple adorned with the most precious works of ancient art. And where are they now, these contributions of a blind superstition, announcing at once the wealth and weakness of its votaries? Where are the crowds of worshipers, the magnificent processions, the imposing ceremonies, the gods and the priests, which made this rocky precipice the holy ground of the ancient world, and yet sends the

traveler, even from our own distant hemisphere, to explore its recesses, and to reflect upon human folly, where the triumphs of folly were the most splendid, and where its reverses are now the most signal? Where are they? Gone. The oracle is silent, the priestess in ashes, the city in dust, and, in this world of mutations, human pomp and power have never been more signally rebuked than by the desolation which has overtaken and overwhelmed this, the proudest spot of the ancient world. Parnassus indeed is there, with the clouds resting on its snowy summit, and the blue waves of the gulf of Corinth rolling at its feet, while the fountain of Castalia issues from its side, in a stream as bright and clear as when its waters purified the persons of the ministers and votaries of the temple, but could not cleanse their hearts from a debasing superstition. But these are the works of God which mock the pride of man and bid defiance to his power; witnesses of his change, themselves unchangeable."

Embarking upon the gulf of Lepanto, the party proceeded on their voyage to Corinth, examining, with interest, the shores of that Grecian Mediterranean, renowned for scenes and events of deathless celebrity. They landed at Corinth, near the head of the gulf, and from which it anciently derived its name. In the neighborhood is the place where once stood Sicyon, an early city of power and importance, but which was in ruins fifteen centuries ago. Its site is now marked only by broken pieces of pottery—those indestructible materials which alone remain to indicate the places where once were populous towns. Corinth is remarkable for its fortified hill, or Acropolis—a rock more than two thousand feet high. Ascending it, the Constitution was visible on the Ægean gulf, but reduced, by the distance, from a noble frigate to a "cock-boat." Crossing the Isthmus, where the Isthmian games were formerly celebrated, and which connects the Peloponnessus with the other portions of Greece, the travelers were glad to find themselves in comfortable quarters, under the flag of their country. Events were wonderfully compressed in ancient Greece; the deeds and men, but the area was small. The whole country, indeed, was not larger than one of our counties. In one day General Cass passed over three of the great battle-fields, familiar to us from our infancy, as household words, in the pages of the ancient historians. And Salamis and Marathon might have been added to Plataea and Leuctra and Cheronea, in the twenty-four hours. After sailing

over the gulf of Salamis, and gazing at the spot where Xerxes sat, watching the progress of the naval fight between the Greeks and Persians, the party proceeded, in the Constitution, to Cape Colona, and thence, after surveying the ruins of the celebrated temple of Minerva, to the little bay, where, in the words of Byron, "Marathon looks on the sea." That great combat, looking as well to the circumstances as to the result, was the great battle of the ancient world. No American can approach this spot, hallowed by bravery and patriotism, and crowned by that success which the efforts of liberty deserved, without the deepest emotion. But the impression is the work of association, and owes nothing to scenery or monument. The battle-field is a narrow dreary plain, lonely and desolate, shut in by an arm of the sea on one side and by rugged precipitous mountains on the other. Greek and Persian were once there in deadly strife; but no one is there now to break the solitude of this memorable spot. Nothing remains to indicate the occurrence of the great event but the mound or burrow in which the Athenians deposited their dead.

The course thence was across the *Ægean* sea, by Lemnos, to Tenedos, the station of the Grecian fleet during the war of Troy. These are classic regions, rendered sacred by poetry and narrative by the history of Herodotus and by the lays of Homer.

Tenedos, though it may have been a great dock-yard for the repair of the fleet of Agamemnon, is a small island with a scanty and poverty-struck population, and with nothing interesting about it but the recollection of what it has been. The plain of the Troab, once the scene of the most stirring events, if the story of Troy is not a myth, presented to the travelers an interesting object for examination. They went over it, but like their predecessors in this inquiry, found it impossible to reconcile its present condition with the narrative of the Grecian bard, and the site of the city may well be considered lost to modern researches, when even Alexander the Great was unable to find any trace of it. Some magnificent remains yet exist of the city, founded in this place by the Macedonian conqueror. From the Troab the passage was up the *resounding* Hellespont—now the Dardanelles—which separate Europe from Asia. The tomb of Achilles, being a mound of earth precisely resembling our Indian mounds, yet attracts the gaze of the traveler on his way through the Sea of Marmora to Constantinople.

The Constitution had been authorized by a firman of the sultan to visit the metropolis of his dominions. Without such a permission no foreign ship of war can enter these waters. The frigate anchored in the beautiful harbor of the Golden Horn, where she remained a few days, enabling her passengers to examine this seat of Mahometan power, and also to visit the Black Sea. From the entrance into the Bosphorus to the mouth of the Hellespont, this great channel of communication between the Black Sea and the Mediterranean presents objects of the deepest interest. Its past, its present, and its future engage the attention of the world. The successor of Rome in sovereign power, nature seems to have marked the site of Byzantium or Constantinople for the capital of a great empire, and the contests for its possession, both in ancient and in modern days, testify to the general importance attached to it. The American party found their visit a deeply impressive one, and General Cass has recorded his reflections at the sight of one of its monuments, which may not be unacceptable to the reader.

“In the Hippodrome of Constantinople, in front of the great Basilic of St. Sophia, now desecrated from a christian temple to a heathen mosque, is the tripod, where sat the Priestess of Delphi, when she delivered her oracular responses to those who sought her interventions with the deities of the shrines. It is a brazen pillar, formed by three serpents intertwined together, and it was placed over the fissure, whence issued the prophetic exhalation which shook the frame of the Pitha with fearful convulsions, and conferred upon her the power of explaining the past and of foretelling the future.

“This interesting memorial was carried by Constantine to his city of the Bosphorus, and its history and authenticity are placed beyond doubt by the learning and researches of Gibbon. When Mahomet subdued the Eastern Empire, and entered its capital at the head of his army, he struck one of the serpents with his sword, and the mark is yet there to attest the strength of the conqueror, and the truth of the narrative. I gazed upon it with uncontrollable emotions, recalling its history and the part it had borne in the splendid pageantry of heathen superstition. It may have witnessed the pilgrimage of Alexander to implore the favor of Apollo, upon the great enterprise which led him through splendid triumphs to imperishable renown and an early grave. It may

have heard the answer of the priestess to the demand of Miltiades, to know whether the liberties of Greece would perish upon the plains of Marathon. Aye, and Socrates, and Plato, and Aristides, and even their predecessors in Grecian story and song! Homer and Hesiod may have bowed the knee to Baal, to this footstool of a false inspiration, and mistaken the ravings of a distempered imagination, or the devices of human craft, for the decrees of the Almighty Maker of heaven and earth. The golden calf which turned the hearts of the Jews, in the deserts of Arabia, from the God of their fathers, and their own God, was but the type of his class, one of that vast family of idols which, in all ages and nations, have seized upon the human affections, and sent men to the works of their own hands for objects of adoration, and for rulers of the universe. 'Up, make us gods which shall go before us,' demanded the Israelites of Aaron, when Moses was in the mount. But it is also the demand of the heart of man in all times of trial and trouble, till that heart is touched by fire from the Altar of Jehovah, and quickened by the Word of His Son, our Savior. Human nature is driven instinctively to feel its dependencies upon some unknown cause. To feel that beyond the narrow circle of visual existence, there is, and must be, a creating and preserving power, which brought the universe into being, and may leave it to perish, if left to itself. It is a vast field of inquiry, where man gropes blindly in a state of nature, halting, hesitating, seeking, but finding not. He can not penetrate the abyss. Profound darkness rests upon it, and the speculations of the highest intellects of antiquity, upon the moral governments of the world, and upon the extent and duration of human responsibility, would provoke our contempt, if they did not excite our pity, in this bright day of christian knowledge. There was not a pantheon in the old world whose gods were not clothed with the vilest attributes, nor a single deity, male or female, whose crimes would not insure punishment in every well regulated tribunal in christendom. And yet, such were thy gods, O Israel! And the immortality of the soul was unknown, because unproved; a conjecture, asserted and denied, but exerting no influence upon life or opinions, because taught by no authority, and attended with no connection between our conduct here and our fate hereafter. 'Son of man,' said Jehovah to his prophet, in the impressive vision of the valley of the dry bones, 'son of man, can these

dry bones live? And I answered, O, Lord God, thou knowest.' Yes, He alone did know, but blessings upon His holy name, we now do know that these dry bones shall again live, that this mortal shall put on immortality, this corruptibility incorruption, and that death shall be swallowed up in victory. Such was the state of darkness and of doubt, during four thousand years of the history of the world, respecting the moral condition of man, and the great scheme of creation, till the advent of the Savior, who came, and announcing His mission, declared in these sublime terms, 'I am the Resurrection and the Life.' That declaration rent in twain the veil between time and eternity, and opened the secrets of the prison house to the fallen descendants of Adam. The shadowy creations of erring man were struck down, his doubts were dispelled, his oracles were dumb, his faith was purified, and he began to comprehend the object of his creation, and the great plan of redemption. There is not a child in our land, advanced beyond the age of infancy, who does not understand his relation to God, his state of probation here and of existence hereafter, his duties and their consequences, if fulfilled or neglected, and all that is necessary to be known on this side of the grave and beyond it, better than the combined intellect of the ancient heathen world."

From Constantinople the American party retraced their route to the *Ægean* sea, and thence sailed along the coast of Asia Minor, passed the island of Metelin, the gulf of Smyrna, and the marshy plain of Ephesus, to the island of Scio. This beautiful spot, once the gem of the archipelago, had just been devastated by the Turkish barbarians, who had committed deeds of atrocious cruelty there, almost unprecedented, even in their bloody history. The island had been made a waste, and more than half of its population, which consisted of one hundred and ten thousand inhabitants, had been murdered, and a large portion of the remainder sold into slavery. It was lamentable to witness the ruin of such a delightful spot. Leaving Scio, the Constitution passed various islands of the group, and among others, Patmos, the scene of the revelation of St. John; and Rhodes, renowned in history.

It was on the twenty-ninth July, 1837, that, emerging from the beautiful group of the Cyclades, he approached Crete—now Candia—the ancient kingdom of Minos. He had run down from Constantinople with a favoring breeze and delightful weather, and

had passed the many isles and islets which "crown" this glorious "deep," and which have been the theater of events that will forever render them celebrated. All of them are small specks, hardly distinguishable upon the map of the world, and some of them are mere rocks; but there is a deathless interest attached to them which time can not annihilate, and which will survive all the revolutions, social and political, they are destined to undergo. It was not wealth nor power nor numbers which imposed upon the imagination. It was none of these, nor the memory of these, which brought the trans-Atlantic pilgrim from the bustle and business and enterprise of a new world, to contemplate these scenes of former civilization and of present decay. No! he rendered his homage to a nobler idea—to the memory of genius, industry, advancement in civilization, progress in the arts and sciences, and the cultivation of whatever can best promote the interests of human nature.

He had passed by Lamnos, Tenedos, Mitylene—the ancient Lesbos—Scio, Delos, Syra or Syros, Paros, and other islands which deck those seas, and stopped at several of them, to examine their condition and to run over their interesting remains. The compression of scenes and events within a narrow compass, and the powerful emotions which this short voyage is calculated to excite, may be appreciated by this striking fact, that, at one point of his passage, he had in view, at the same moment, Syra, Tinos, Andros, Delos, Mycone, Noxos, Paros, Antiparos, Siphanto, and Serpho. He had passed, in the distance, the island of Patmos, the residence of St. John, and if not the scene of the revelations made to him, the place where he wrote the Apocalypse which recorded them.

"Our own internal seas," says General Cass in his itinerary, "present masses of water as large, and some of them larger, than this 'Ægean deep,' and abound with picturesque objects, almost unrivaled in the world. The entrance into Lake Superior, with the shores embosomed in woods, the highlands gradually opening and receding on each side, and the water as clear as crystal, extending beyond the reach of the eye, forms one of the most striking displays of natural beauties it has ever fallen to our lot to witness. And a scene almost equally impressive, though of a different character, attends the traveler who crosses the small arm of Lake Huron, between the island of Michilimackinac and the entrance

of the Straits of St. Marie, which communicate with Lake Superior. One bright summer morning we found ourselves making this passage, and, as the sun displayed his disc above the water which surrounded us, we were surprised by a singularly interesting spectacle. We were accompanied by a fleet of three hundred Indian canoes, which had left Michilimackinac in the night, in order to make the passage before the wind, which strengthens as the day advances, should render the voyage dangerous for the frail birch vessels in which they navigate the rivers and lakes that furnish them with so much of their subsistence. These Indians had made their usual annual visit to Michilimackinac, to sell their peltries and procure supplies of ammunition and clothing, and to talk over their public affairs with the representative of the government stationed there. They were returning in high spirits, having with them all their families, as is the usual custom of the Indians in these excursions, and having, also, a supply of the articles most necessary to enable them to contend with the hardships incident to their mode of life. The lake was perfectly smooth, the Indians animated, paddling with their utmost energy, and singing their songs with a strength of lungs which sent these far over the water. The whole display was full of life, and we recall it with the most pleasant emotions. But these scenes upon the Indian border, whether still or animated, are feeble in their effects upon the human mind, when compared with the impressions produced in the theater where we were now moving. Distance, however, nowhere 'lends enchantment to the view' more than here; but the nakedness of reality comes painfully to destroy some of these delusions on a near approach. All these islands are destitute of timber, naked as a vast prairie, but without one other point of resemblance. They are generally rocky, broken by ravines, and, to the eye, nothing can appear more sterile. The mode of culture, when they are cultivated, is slovenly, the inhabitants indolent, the houses mean and dirty, and the towns and villages in a state of decay, and yet we visit them with the deepest interest. We visit them for what they have been and in spite of what they are.

"One of the most renowned is the little islet of Delos, or rather the two morsels of rock and earth known under that name, but separated by a narrow channel, furnishes the most striking illustration of these remarks, and the most complete picture of desolation which even these regions exhibit. In our lonely walk amid

its ruins, we did not meet a single human being. What a contrast between this almost frightful solitude and its former condition, when it was filled with busy crowds which inhabited it, or which continually flocked to it to worship at its temples, as the Jews went up to Jerusalem to render their devotions to the living God ! The sanctity of this chosen spot is one of the facts best known in the history of ancient manners. It was the birth-place of Apollo and Diana, and its thrice-famous temples were dedicated respectively to the brother and sister and to their mother, Lutona. Their ruins yet attest the extent and splendor of these edifices. The island was holy ground—a place of refuge—where even enemies were friends when they met upon it. Livy relates an interesting anecdote upon this subject : A commission of Roman deputies, going to Syria and Egypt, were compelled to stop at Delos, where they found a number of galleys, belonging to the kings of Macedonia and Purgamos, at anchor, although these two princes were then at war. The historian adds, that the Romans, Macedonians, and Pergamians met and conversed in the temple, as though they had been friends. The sanctity of the place suspended all hostilities. And in this island, thus venerated, I saw, not the marbles actually in the process of being burnt into lime, but the pits where the lime had been made, and where, perhaps, some of the most beautiful works of antiquity had been prepared to form the mortar for a miserable cottage. It is said that, heretofore, the inhabitants of Mycone rented this island from the Turkish government, at the annual price of ten crowns ! Such a picture admits no other trait.

“ As the last island of the Ægean group sunk in the horizon, Crete rose before us, extending east and west, and presenting its diversified shores to our view. The aspect was rugged, and the coast precipitous and iron-bound ; while, in the interior, arose a range of mountains, upon whose summits the clouds were resting. We steered for the Bay of Suda, and entered it without accident, mooring our noble frigate in its quiet waters. This bay is one of the most magnificent ports in the world, stretching inland about six miles, with a breadth of three, capacious enough to contain the most powerful navy, and with sufficient depth of water for any vessel that floats. Its entrance is narrow, and divided by two small islands, on one of which is a little fortress, completely commanding the approach. We were told that the commanding officer was a *bon vivant*, who loved wine better than the koran ; and that

the captain of one of our armed vessels, who was desirous of entering the harbor, but who was prevented by the new quarantine regulations which Mehemet Ali has recently adopted, found his way to the Egyptian's heart through a bottle of champagne; who, disregarding the fear of the Pasha, dispensed with the sanitary precautions, and admitted his new friend to *pratique* without hesitation. Whatever doubt may be entertained respecting the progress of the Turks in the manners of the western Europeans in other respects, there is none in this—that the higher classes are fast acquiring the habit of drinking wine, and, some of them, a much stronger liquid. The *penchant* of the late sultan for this indulgence was well known through the empire, and could not fail to produce, by its example, a powerful influence. Ibrahim Pasha is a confirmed toper; and if we should use a harsher word, we should convey a still more just idea of the extent to which he carries this habit. In Damascus, we found the table of the Governor-General of Syria loaded with wine; and his confidential friend and physician—a French gentleman—observed, significantly and jocosely, that his patron had fifteen thousand books in his library. We did not need the arch look, which accompanied these words, to enable us to correct the errata: for books read bottles of wine.

“Still this practice is not altogether general nor public, and we found that much prejudice was excited against those who indulge themselves too freely and openly.

“The entrance to the bay of Suda is from the east, and beyond is a high projecting point, which completely shelters it from the sea. To the north and south are rugged hills, but to the west the break between the ridges continues and forms a level valley, which opens in about two miles at the city of Canea. There are two small villages upon the bay, occupying the declivity of the southern range of hills. The scenery is not uninteresting, relieved by little orchards of olive trees, that precious gift of Providence, whose production is so essential to the inhabitants of the east. The plain leading to Canea is covered with a light sandy soil, and abounds in water, which might be used for the purpose of irrigating the crops, but which is almost wholly neglected. There are some villages upon the route, and traces of a considerable population. Canea occupies the site of the ancient Cydonia—the mother city of the island—renowned for its power and opulence, and which was the theater of many interesting events

in the history of Crete. The harbor is small and obstructed by reefs, and not safe in a northern gale. The buildings are old, and in a state of decay, and every thing shows that the hand of oppression has weighed heavily upon the wretched population."

From the bay of Suda, General Cass sailed down the coast, passing Retimo—the third city in importance—after Candia and Canea. Standing upon a low cape, with a poorly sheltered harbor, and the mole that formed it almost destroyed, and the channel nearly filled up with the accumulation of sand, vessels drawing more than thirty tons could not enter, while those of a larger tonnage were compelled to remain in an open roadstead. When he arrived at Candia—the capital of the island—he found Mehemet Ali there, with a part of his fleet anchored before the town. As the American minister had visited a suspected port, he would be under the necessity of submitting to quarantine regulations, if he stopped; and not having at his disposition the time necessary to procure admission, he abandoned the island and bore up for the Holy Land. He, however, committed to paper his impressions of the island from the water.

"The city of Candia presents rather an imposing aspect from the sea. In its rear is a range of mountains which extend through the island, and from amid which the snow-covered top of Ida is prominently distinguishable from the rest of the chain. In the distance, the city is thrown with beautiful effect against this ridge, though in fact it is surrounded by a considerable plain. The mountains, however, diminish much in height, and the chain is almost interrupted, so that the gaps furnish convenient routes for traversing the island from north to south. The plain extends to the base of the ridge from which Ida projects."

This plain, he goes on to say, once productive, then presented one scene of desolation. It formerly abounded in Olive trees, but the ruthless Turks had cut down a large portion of them—being of slow growth—the work of centuries, and thus not only inflicted vengeance upon the present, but extended it to succeeding generations.

It seems from the memoranda of General Cass, that the first act of oppression in the East, is to cut down the olive trees around a village, and then the labor of destruction is complete, for the miserable hovels are not worth the trouble of demolition. He cites as a fearful case in point, the plain from Athens to Piræus, which

was once a magnificent olive orchard, but that, when he was there, its superb trees had almost disappeared : and he was told at Athens of the curious division of property, by which, frequently, the ground belonged to one man, the trees to another, and the product to another. He says also that it is a cardinal principle in Mahometan faith, that all the people they subdue, have justly forfeited their lives ; and that whether these shall be spared or not, is simply a question of expediency from time to time. When the conquered Rayahs are freed from military execution, this exertion of Mussulman mercy is not a pardon, but a reprieve. The penalty always hangs over them, and is ransomed from year to year by a tax, constituting a considerable item in the Turkish budget. Every person in the Turkish empire, not a Mahometan, pays this yearly contribution, under the pretense of its being due to the sultan for his clemency in permitting the infidel dog to live under the shadow of his throne during another year.

As to intermarriages between Moslems and Christians, that was impossible, because every such union was punishable with death : and in courts of justice the statement of the latter was valueless. But, after all, it seems that the condition of the Greeks, in the island of Crete, especially, was better than that of the Mahometans. The latter were generally poor, whilst the former, relieved from some of the oppressions that weighed them down, and finding their industry better rewarded, and their acquisitions better protected, are gradually advancing in improvement. An intelligent informant told General Cass, that, four years previous to that time, scarcely a house was standing on the whole island, or a field cultivated ; but that then the signs of prosperous industry met the eye of the traveler in every direction.

General Cass continuing his journey across the Mediterranean, left the frigate at Jaffa—the ancient Joppa—the seaport of Jerusalem, from which it is distant about forty miles. He immediately with his family traveled across the plain of Sharon to Ramla, and through the hill-country of Judea to Jerusalem.

The annihilation of space, occasioned by the introduction of steam into navigation, is in nothing more wonderfully exemplified than in the time within which it is possible to travel from New York to Jerusalem. Any person favored by circumstances, may reach Mount Calvary within thirty days, and perhaps twenty-five days, after leaving Broadway. Ten or thirteen days may

take him to Liverpool or Bristol, one or two to Paris, one to Marseilles, eight or ten to Syra, four to Jaffa, and one from there to Jerusalem. And the French steamboats, plying upon the Mediterranean to Syra, to Alexandria, to Greece, to Smyrna, and to Constantinople, are safe and pleasant vessels, and well found, in all respects.

From Jerusalem, an excursion was made to Bethlehem, the birth place of the Savior—and into the country around Jerusalem. And the party made the necessary preparations, and traveled by the way of Bethany to Jericho, the Jordan and the Dead Sea.

Returning to Jerusalem, preparations were soon made for a journey to Damascus. The ladies of the party rode in a primitive manner, two of them counter-balancing each other in a basket, slung across a mule, and led by an Arab. They were often struck with the devotion manifested by their faithful guard, who three times a day stopped, and in conformity with the injunction of the Koran, turned to Mecca and recited his prayers with much apparent sincerity. Everything required for the comfort of the party was taken along, and the only drawback was the intense heat of the weather. The country was quiet under the stern government of Mehemet Ali, and when General Cass mentioned, in Alexandria, to that despotic ruler, that a traveler could pass as safely through his dominions as through any part of Europe, he seemed very much pleased with the remark. The Pacha of Jerusalem furnished the party with an Egyptian captain to accompany them, to obviate any difficulties which might occur. This man was a fit representative of his master, and his conduct but too well proved the miserable subjugation to which the country was reduced. For the slightest cause of offense, sometimes without any, he was unsparing in his blows, and at Nazareth he drove away the villagers from their well, because they did not yield their places to the strangers with such promptitude as he required.

The route from Jerusalem was to Nablouse, formerly Sichen, where the travelers encamped at Jacob's well, and thence to Nazareth and Cana, and to the city of Tiberias, which had just been reduced to desolation by an earthquake, and to the sea of Galilee, and from there by Saffed, the sacred city of the Jews, by the waters of Merom, and by Jacob's Bridge across the Jordan to Damascus.

This ancient city existed in the days of Abraham. It is at the

foot of the great chain of Anti Lebanon, on a plain watered by the beautiful streams, the Parphar and Abama of the Scriptures, and the plain stretches off until it is lost in the interminable sandy desert. 'Tis rich, fertile and highly cultivated. A day or two was employed in the examination of the city and its environs, but no ancient monument remains to point out the site of any particular event. General Cass visited those old regions neither in a weak spirit of credulity which believes everything, nor of rigid incredulity which believes nothing. Some of the traditional stories are mere idle legends, unworthy of serious consideration, while others are probable and well deserving of confidence. The sites of the most interesting cities, Jerusalem, Tyre, Sidon, Damascus and others, are fixed beyond controversy, and the events which made them remarkable passed within such narrow spaces, that the pilgrim may well be satisfied he is near or upon them—near enough for the indulgence of that power of association which enables us to overlook the present, and connects us with days and deeds forever memorable in history.

From Damascus the journey led across Anti Lebanon to Baalbec, celebrated for the magnificent Temple of the Sun, one of the most imposing structures which have come down to us from antiquity, and thence across Lebanon by Eden and the Cedars, well known spots in the mountain ridge described by many travelers, and on to Tripoli in Syria. There the Constitution was found, which conveyed the party to Beyroot, whence they proceeded along the coast to the city of Sidon. The prophecies of the Scripture are literally fulfilled in the destruction which has fallen upon this city and upon her renowned neighbor, Tyre. Our travelers actually saw the fishermen drying their nets upon the ruins of this old capital of the Phœnicians.

From Sidon General Cass made an excursion into the chain of Lebanon, upon a visit to Lady Hester Stanhope and to the Emir Besheir, the prince of the Druses, the rather mysterious aboriginal population of the Lebanon chain. He found Lady Hester Stanhope, the niece of the younger Pitt, and the granddaughter of the great Earl of Chatham, occupying a stone hovel upon the top of one of the most arid hills in Syria. This eccentric lady, if she had not actually embraced the Mahometan faith, certainly inclined to favor it. Some years before, she had sought the society of the Arabs, taking with her much wealth which she freely

distributed, and by this means acquired great influence over the wild tribes. She was hailed by them Queen of Palmyra, and a word from her to the proper chiefs was a safeguard to the traveler seeking that distant city. But she gave till she had nothing more to give, and as her wealth disappeared, her influence diminished, and she finally abandoned them in disgust, and took refuge among the precipitous hills, a few miles from Sidon. The party found her there, dressed in a Turkish robe, with a turban on her head, and smoking a long pipe. Her conversation was wild and somewhat disconnected, but still interesting, for she had seen much of life both in Europe and Asia, and her communications were free, and her comments upon men and things were without much restraint. Her visitors left her with melancholy impressions, from her changed circumstances and lonely condition.

Deir El Kamar is the residence of the Emir Besheir and the seat of the Druse sovereignty. This prince holds his authority from the sultan, while at the same time he is the hereditary ruler of his people. He occupies a very splendid residence, where the party passed the night, and returned the next day to Sidon, and continued their journey to Tyre. The day was intensely hot, and shortly before arriving at the city, the travelers stopped and took refuge from the weather in an old stone tomb. After some time they heard the distant sound of military music, and looking out, they perceived a party approaching. It proved to be a detachment of the garrison of Tyre, led by the governor, as swarthy a negro as Ethiopia ever sent forth. He had come out to do honor to the American Minister, who had been commended by the government to the authorities in Syria and Palestine. The governor was invited to take a glass of champagne, which he tasted without the slightest Mahometan prejudice, following the example of the reigning sultan. After a short time a procession was formed, and the negro governor with his detachment marched in front, followed by the American party, and thus they entered the old city of Tyre across the causeway by which Alexander joined the island to the continent. What a contrast between the entrance of the Macedonian conqueror and the strangers from the Western world, led by such a governor, followed by such troops.

After some time, General Cass wishing to make a return for the politeness he had received, sent a messenger to the Pasha's residence to inquire where he could wait upon the great man. He

received for answer from the secretary, that his master was drunk and asleep, and that as soon as he should be awake and sober, General Cass should be informed, so that he could make his call.

From Tyre the journey was continued through Acre, and over Mount Carmel, and by Cessarea to Jaffa. There the Constitution received the travelers, and sailed for Cyprus, the island of Venus, and disembarked them at the port of Larneca. After looking around its neighborhood, an expedition was planned into the interior of the island, and the party visited the capital, Nicosia, the seat of government and the last position surrendered by the Venetians to the Turkish power. The remains of the haughty republic are every where visible, and the fortifications are yet furnished by the artillery that she surrendered. The Pasha was a Turk of the old school. He did not wear the Fez cap nor the other costume prescribed by the sultan. His full turban and his flowing robes showed that in his feelings he belonged to a past age, and from the remoteness of his position, he did not much trouble himself about his responsibility. Wherever General Cass had previously come in contact with the Turkish authorities, he had been treated with much deference and attention; and afterwards, even Mehemet Ali rose from his divan, and advanced to meet him as he entered the apartment. But the Pasha of Cyprus attempted to play another part. He sat still without inviting his guest to take a seat beside him. But General Cass met and rebuked his incivility by a prompt movement. The large chamber of audience was filled with Turkish officers and attendants, and General Cass, as soon as he perceived the part the Pasha intended to play, replaced his hat upon his head, which he had removed, and walked up to the divan, and coolly took his seat beside the governor. This step answered the purpose, for pipes and coffee, the evidence of Turkish hospitality, were immediately introduced, and the interview passed off very agreeably.

From Cyprus the voyage was continued to Egypt, and the Constitution came to anchor in the port of Alexandria. Mehemet Ali was then at that city, and General Cass had an interview with him. He was an able man, and had raised himself by his own exertions to the throne of the Pharaohs and the Ptolemys. He conversed with much freedom, and his manners were polished. He had the most prodigious white beard, perhaps, to be found in the east, of which he was evidently proud. There are not many

existing objects around Alexandria worthy of attention. What there are were looked at by the party, who there embarked on board a boat and passed through the canal to the Nile. They entered that river and ascended it to Cairo. It is a prodigious stream, running almost two thousand miles without a tributary, a fact, as Humboldt says, without example in the hydrography of the globe. It resembles the Missouri, for its current is equally strong and the water turbid, boiling and eddying in its course, almost an object of fear. Cairo and its vicinity furnish many objects of interest, and these were not neglected by the party. Among others was Heleopolis, or On, in the land of Goshen, where one of those massive columns, covered with hieroglyphics peculiar to Egyptian architecture, is yet standing in a deserted spot, the sole memorial of departed greatness.

A journey to the Pyramids was of course not neglected. These massive structures have so often been described, as render any peculiar reference to them unnecessary. General Cass ascended the great pyramid of Cheops, and there explored its various chambers, together with its subterranean grottos beneath. These prodigious, but apparently useless works, for ages have excited the admiration of the world, and will hereafter continue to do so, for they may bid defiance to the effects of time. From Alexandria the homeward voyage to Toulon, by the way of Minorca, where quarantine was performed, was prosperous, and the party landed upon the shores of France, without a single untoward accident.

From the above itinerary it will be at once seen how interesting an outline is presented for the observations of our distinguished tourist, and the contemplation of the reader. The limits of this work will not permit us to follow him minutely in his path, and we must be content with presenting a few of his memoranda, because they are descriptive of interesting scenes and incidents that occurred as he passed along the route.

He states that the Nile, in its general features, bears a strong resemblance to the Missouri. The water has the same thick, turbid appearance, bringing down with it an immense quantity of the soil of the upper regions, carried off by the rains or fallen from the banks, undermined by the action of the current. It is lighter colored than the water of the Missouri, but equally impervious to the view, it being impossible to discern an object in either stream

an inch below the surface. "The strength of the two currents we should judge to be about the same, equaling, certainly, five or six miles an hour; and both exhibit that turbulent, agitated appearance indicative of great depth and velocity, and which can not be regarded without awe. The Nile, where the Mahmondieh canal enters it, must be a mile broad; and, when it is considered that the Damietta branch, on the other side of the Delta, is of equal size, and that there are a number of other passages, which convey that water either to the sea or to the lakes, which are filled during the inundation, we may form some conception of this great Abyssinian outlet. We ascended it at the hight of the inundation. At Cairo, the minimum of this hight, above low water, is six thousand eight hundred and fifty-seven metres; its medium seven thousand four hundred and nine metres; and its maximum seven thousand nine hundred and sixty-one. To this, if we add the general depth of the stream at low water, equal to one thousand eight hundred and thirty metres, we shall have nine thousand seven hundred and ninety-one metres for the depth at the period of the greatest elevation. It preserves this altitude, or nearly so, for many days; because, as it approaches or recedes from it, its changes are slow; and all this immense mass of water is furnished by the regions south of Egypt. For a thousand miles there is not only no tributary stream, but evaporation, the aridity of the soil, and the purposes of agriculture are continually diminishing the volume. From the earliest period it has rolled down this mighty mass with the certainty and precision of the revolving seasons, generally with a quantity sufficient to irrigate the soil, and to prepare it for its destined crop, but sometimes, indeed, with a diminished supply, followed by periods of scarcity or famine, like that recorded in the history of Joseph, 'when the famine was very sore; that the land of Egypt and all the land of Canaan fainted by reason of the famine.' The Nile had, no doubt, failed to attain the necessary elevation, and sterility and want were the consequences."

General Cass visited Ibrahim Pacha, and found him a heavy looking man, exhibiting decided effects of dissipation; and it was a well known fact that he habitually indulged in intoxication. In the Morea and in Syria he had exhibited military skill, but sullied by the most atrocious cruelty. As to protection from oppression, the word was not known in all his viceroyalty. No man's person or property was safe for a day. The Imperial Manslayer, was one of

the titles of the Grand Seigneur, and was not a barren one. But, as all governments have some practical check, so, in this case, the royal butcher was restricted to forty victims a day. In like manner, the Captain Pasha has the right to put to death the persons of his suite, and, *perhaps*, the marines serving his fleet. General Cass understood that this high officer had recently, when at Constantinople, lost a favorite diamond aigrette, given to him by the Sultan; and not being able to find it at a moment when he desired to visit his master, in a fit of passion he threw one of his servants into the Bosphorus, and blew out the brains of another with a pistol.

The conduct of the Egyptian government, in the excavation of the Mahmondieh canal, furnished another illustration of the reckless disregard of human rights and human life. Instead of a just and systematic arrangement for the employment and subsistence of the necessary laborers, the miserable Fellahs were literally driven from their villages, and compelled to work on this canal. It was computed that not less than three hundred thousand were thus seized, of whom, at least, twenty-five thousand perished from hunger, fatigue, and the hardships incident to want and exposure. They were furnished with no instruments of labor, but the earth was dug with their hands, and carried away in the miserable rags which barely covered their nakedness. Fortunately, in one respect, for them at least, the soil was alluvial, and without a stone on the whole route. The country was almost a dead level, and there was not a lock upon the canal. There is a sluice at each end, to regulate the admission and escape of the water, but no means for the passage of boats. The work, in fact, is a large ditch, without science in the plan or skill in the execution. It is so crooked that the distance is probably increased one third, without the slightest necessity for this deviation from a direct line, and, apparently, because chance assigned to the laborers their stations. Traveling, though, was perfectly safe, and the police admirable. All the agents of the government, from the Pasha down, are possessed of unlimited power, and everything gives way before its use and abuse. At Boulah, the port of Cairo, he saw police officers impress a crew for the boats which had been assigned him, by pushing into a crowd with a long rope, and sending on board all who were encircled in it, without the slightest regard to any arrangements for their pay or subsistence. General Cass, however,

in this instance, saw to it, that they had their pay and wholesome fare on that voyage up the Nile in a canga, wafted either by the wind or slowly dragged by the boatmen.

But the Egyptian police fulfilled this duty in their own peculiar way. The government ordered them to render the pilgrims from the far west to the shrines of the east, any assistance that might be necessary for the objects of their voyage. There was a crowd upon the shore, gazing on the strangers and their preparations. Two turbaned agents seized the ends of a rope, and, passing rapidly into the assembly, enclosed within it a sufficient number for the purpose, serving this Mahometan writ as coolly, and with as little resistance, as would attend the proceedings of a constable in this country, who should summon a man before a justice of the peace, for a debt of five dollars.

He passed over the site of Memphis. Here there were no ruins—no food for the senses; all belongs to the imagination. One monument only survives to tell the traveler where this proud capital of the ancients stood. Some years before, a huge statue was discovered in this place, and had fortunately escaped the hunters of curiosities. It was a landmark, and little doubt exists that it was placed there by Sesostus, in front of the temple of Vulcan, in Memphis. By the *conoscenti* it is considered an admirable specimen of ancient art, and to him even, having no claims to *virtu*, it presented a most interesting spectacle. It lies with its face downwards, and is nearly perfect to the knees. It is forty-five feet in height.

“Memphis,” says the General, “is situated in what *we* should call a *bottom*, running from the Libyan highlands to the Nile. The position must have been a low one, and, we should suppose, insalubrious. It is in the immediate vicinity of the Pyramids, which are erected upon a ridge, putting out from the main chain, and much lower. We counted, at Saccarah, seventeen within view, of different magnitudes, and in every state of decay. Near Saccarah, I visited the tombs of the birds—among the most curious and interesting objects in Egypt, not so much in themselves as through the illustration they afford of the character of the ancient inhabitants and their superstitions. The superstitious veneration exhibited by the ancient Egyptians for certain animals while alive and for their remains when dead, is among the most extraordinary facts recorded of the waywardness of man. We should be tempted

to doubt the accounts which have come down to us had not irrefragable evidence of their veracity come down with them in these Necropoles. The ancient historians tell us that killing an ibis or hawk was a crime punished with death; that cats were salted and buried in the city of Bubastes; that bitches and ichneumons were buried in consecrated chests, where they happened to die; that hawks were removed to the city of Butes, and ibises to Hermopolis; that others were venerated; and that fishes, eels, and serpents were buried in the temple of Jupiter. What a picture of human weakness! And immense receptacles were prepared under ground to contain the carcasses of these animals. Their extent exceeds all conception. The remains are found in earthen jars, and piled in immense layers, one upon another. I went to the door of one of these catacombs, but *thus far shalt thou go and no further* was proclaimed to me by a latitude which prohibited all passage through the narrow entrance, except to those who had been more ascetic than myself. I left to my *smaller* companions to penetrate into these chambers of Egyptian superstition, while I amused myself in the sand on the outside, during a *pleasant* day in September, under an African sun, in examining the jars and their contents. I was struck here, as elsewhere, with the character of indestructibility which seems to attach to the rude pottery of the ancients. Whether it be the nature of the manufacture, or the state of the climate, which confers such durability upon this apparently fragile material, I know not. Perhaps both contribute to the result."

The memorable journey of the children of Israel has furnished a theme for criticism and examination for critics and commentators, from the earliest period of the church. Our distinguished traveler found insurmountable difficulties in tracing the exact route of this large caravan, and in identifying the site of each encampment, as they proceeded, day by day, on their immortal pilgrimage. A cycle of four thousand years had passed since the wonderful event. Nations had risen and decayed in the meantime. The face of the country had changed. Many a fountain had been choked by the sands of the desert, and many a fertile spot laid waste. The only wonder, indeed, is, that so much remains to attest the truth of a narrative, written forty centuries before. It was true the Red Sea remained; Mount Sinai was there, and so were the mountains of Seir. The face of the country remained, with its sands increased and its oasis diminished—

the necessary consequence of the loss of its population and agriculture — but with its general features unchanged ; and also remained as unchanged as any of these, the character, manners and customs of the nomadic tribes, who then, as now, roved over the country with their flocks and herds.

“ ‘Would to God we had died in the land of Egypt,’ was the emphatic declaration of the moving multitude,” says the General, in his memoranda. During their whole route, whenever any difficulty occurred, they contemned the injunctions of their divine guide, and the remonstrances of their faithful leader, whose task, looking at the nature of the regions he traversed, and the number and temperament of his countrymen, was one of the most irksome and responsible on record ; and they longed for the “flesh,” and the “fish,” and the “cucumbers,” and the “melons,” and the “leeks,” and the “onions,” and the “garlics” of Goshen. And, by the by, it is worthy of remark, how, in these instances, as in so many others, the Scripture narratives are corroborated by the existing habits and manners of the eastern nations. Every traveler in Egypt must have observed the immense quantity of these vegetables which are consumed there, and the large proportion which they furnish of the subsistence of the inhabitants. And it is thus we every day receive some new confirmation of the truth of the oldest and most authentic record of human history.

When General Cass was approaching Jerusalem, the city whose associations are as imperishable as the eternal hills that environ it, he says his impressions were somewhat different from American and English travelers who had preceded him. He thought that the difference in these pictures of impressions was not owing solely to the difference in the constitutions of the artists who drew them. “Jerusalem is upon an inclined plane, opening to the north-east, and presents its fairest prospects to the traveler approaching it upon the road from Damascus. But, from the south the eye meets the higher part of the city, and rests almost exclusively upon its bleak hill and upon its dark and naked wall. It is indeed no longer ‘fretted with golden pinnacles,’ but neither did it strike me to be so utterly disconsolate in its appearance, as some have said. Tradition has marked the spot of every interesting incident which the Scriptures record as having occurred within its walls. Credulity and skepticism have equally examined and discussed these legendary tales. But probably *not one*

stone of ancient Jerusalem remains in its place. The guides point to a part of the foundation of the walls facing the valley of Jehoshaphat, where are some large blocks, apparently of an earlier age than the rest of the structure, and consider these as the relics of the ancient city. But this is a mere conjecture, resting upon no established proof. Jerusalem has been swept with the besom of destruction. The imprecations against her have been fulfilled. The Assyrian, the Greek, the Roman, the Crusader, the Turk, the Egyptian, have marched over its walls, and established their camps in its holy places. Superstition, fanaticism, revenge, have conspired to sweep away its monuments, and to make it desolate. The great features of its topography no human power can change. They have been imperishably marked out by an Almighty hand. Its site occupies the projecting point of a high hill, bounded on the east by a deep, narrow valley, successive portions of which were called the valley of Kedron, of Jehoshaphat, and of Siloam, in the bottom of which flows the brook Kedron, and on the south-west and south, by the valley of Sihon, where trickles the little stream called Gihon. These rivulets unite a short distance below the pool or spring of Siloam, and wind their way among broken mountains to the Dead Sea. On the north-west the city joins the table land of the country, and it is in this direction that it has been successively enlarged and contracted, as prosperity or adversity augmented or diminished its population. And although it has been said that the ancient city extended across the valley of Gihon, yet the conjecture has been advanced solely to render the legendary sites of some of the miraculous events which occurred within its walls, consistent with Scripture narrative, and is contradicted by the nature of the ground; for it is unreasonable to suppose that the advantage of a strong position would be abandoned by enclosing a deep valley, when there was space enough on the table land for indefinite extension. Whoever visits these traditionary sites, should do so without investigating too narrowly the evidence by which they have been established. He can not be far wrong, for the compass within which the facts occurred, is but a narrow one. And there is an indefinite sentiment of awe and veneration, in believing we are standing upon the very spot where our Savior was judged, crucified, and buried. If there were no idle mummeries around one, this feeling would be deeper and holier; but it is impossible wholly to abstract ourselves from the

circumstances with which superstition has invested these places. Still, the moment when he stands upon the hill of Zion is an era in the life of any man, and he feels more concentration of existence at that instant, than is given to him to experience upon any other spot on the face of the earth.

Without the circuit of Jerusalem, uncertainty ceases. The Mount of Olives, the Garden of Gethsemane, Mount Gihon, the Mount of Evil Counsel, the pools, the fountains, the brooks, all remain as in the brightest days of Bible history; deprived, indeed, of all their monuments, constructed when Solomon made silver to be in Jerusalem as stones, and when cedars were as sycamore trees in the vale for abundance; but impressive and interesting in their desolation. And he who can roam among these solitary places, without feeling his faith strengthened and his heart touched, has none of the true characteristics of a pilgrim, and will find himself a stranger in the "Holy Land."

The Mount of Olives, which overlooks Jerusalem, derives its name from the trees growing there, and existing from the earliest ages. General Cass found eight olive trees, bearing every mark of extreme age: and the tradition among the people invests them with a sacred character, as cotemporaries of the life and death of Jesus Christ. At the foot of the mount, divided from it by the brook Kedron, is the Garden of Gethsemane, forever memorable as the scene of the passion of our Savior. As is well known, the principal product of the olive tree is oil; but General Cass found in his travels, that, in many places, its fruit was an acceptable substitute for meat, and that in Greece, a few olives, with bread, constituted the ration of the soldier. The tree approaches, if it does not equal, the cedar in longevity. There is a plantation yet bearing at Terni, in Italy, which is said to be composed of the same trees described by Pliny as growing there in the first century.

General Cass had too much of the true spirit of a pilgrim not to visit Jericho, the Jordan, and the Dead Sea. "A more dreary-looking region," he says, "he never saw but once, and that was upon the River Ontonagon, which enters Lake Superior upon its southern side, and which for barrenness and desolation may have a rival, but certainly can have no superior on the face of the earth. And to those who know the acuteness of the Indians, in directing their course through the forest, it is a sufficient proof of the nature of

this district to say, that an active Chippewa, who was with me, was unable to thread his way out of this labyrinth.

“From Jerusalem to the precipitous cliffs overlooking the plain of the Jordan, the country offers a succession of high sharp hills, without trees or any kind of verdure, and covered with black, rugged rocks. The narrow path winds its way amongst those stupendous masses, following the gullies worn by the water-courses, until it attains the brow of the ridge, looking down upon the valley, the river, and the lake. And a quiet-looking sheet of water it is ; but oh ! how different from those beautiful reservoirs which our own beloved country spreads out, embosomed among green and fertile hills, and variegated by all that can render them pleasant and useful. Within this vale there are no trees, no vegetables, no inhabitants, no domestic animals, for a few miserable Arabs are not enough to form an exception. Neither is there any soil to minister to the wants of man ; for a saline incrustation, deposited by the fogs of the sea, covers the earth, and is destructive to vegetable life. The descent of the mountain is so precipitous, that great care is necessary to prevent accidents. When I made this journey, the faithless guides were desirous I should pass the night at the miserable residence of the Shieck on the ruins of Jericho ; but knowing the dirt and worse than dirt of an Arab village, I determined to avoid it. I was told, there would be danger from some of the wild tribes, if I stopped short ; but I put my faith in the terror inspired by the name of Mehemet Ali, and slept soundly and safely at the spring of Elisha, and blessed the prophet for his miraculous intervention, which had converted the saline waters of this lovely fountain into as pleasant a draught as ever delighted a thirsty traveler. If this is not the fountain of the palm trees, where the Christian knight and the Saracen Emir kept truce together, after the combat recorded in ‘The Talisman,’ I know not where to seek it. The topography, indeed, of this region is not in strict keeping in this most interesting romance ; but, though false to fact, it is true to nature. If the pilgrimage of the Scottish crusader led him to the convent of Santa Caba, in the desert of Saint John, his visit to the Dead Sea was a work of supererogation to himself, but most acceptable to the reader, who finds in the description of this *detour*, some of the most powerful delineations of natural objects, and some of the most striking incidents, which we owe to the genius of Scott.

“The reverberation of the sun’s rays gave to the vale of Siddrin an equatorial heat in the month of August, and I raised myself from the fount of Elisha, and resumed the route to the Dead Sea, before the dawn of day, to avoid, as much as possible, the noon-tide sun. I traversed much of the space between Jericho and the shore of the lake in the night, and a most impressively mournful ride I had of it : over barren sands, covered here and there by low, stunted bushes, every now and then striking us in the face, to warn us, as it were, that the home of the wild Arab was around us. And, as the streaks of morning light dawned over the mountain of Moab, a most extraordinary spectacle presented itself to our eyes. An army appeared upon the dreary, deserted sand, between us and the dark water, which stretched away beyond the view, lost in the high ridges which overhung it. No deception was ever more complete ; for long ranks of soldiers seemed drawn up, marching and counter-marching in all directions, with great regularity. It looked as if the genius of the place had embodied his forces, to bar all access to his gloomy dominions. And it was only as the day advanced, and as we approached the shore, that our formidable enemy assumed the peaceable shape of countless flocks of birds, of the heron species, who, the Arabs say, come to pass the night upon the sand, and in the day seek their food among the reptiles in the mountains. The immensity of their numbers exceeded all imagination : and, if the regions of Palestine are fertile in nothing else, they must be most prolific in snakes, if the Arab *natural historian* may be trusted. And this is the Dead Sea, and below these dark waters are the sites, perhaps the ruins, of Sodom and Gomorrah, such as ‘when the smoke of the country went up as the smoke of a furnace.’ There is a tale, that nothing living, not even a bird, can ever cross this sea.

“But there is no need of imaginary stories to heighten the desolation of the scene, and I, as well as others, can testify to its inaccuracy, by my own observation. I believe, however, that its waters are unfavorable to animal life ; and, though a shell or two may be occasionally picked up upon the shore, yet these have been probably brought down by the Jordan. The water is excessively bitter and nauseous ; and, if additional evidence were wanting, I could also testify to its great gravity, and to the buoyancy of the human body when immersed in it. It is only by

much exertion, and for a very short time, that any one can get and remain below the surface.

“I went from here to the Jordan, and struck the river, where, tradition says, the children of Israel passed over when they first entered the Land of Promise. On the west side is a low bottom, and on the east side a high sandy bluff, and the shores of the river are covered with aquatic bushes. The water was thick and turbid, and the current rapid, and too deep to be sounded, ‘for Jordan overflowed all his banks, all the time of harvest.’ And here crossed the Jewish nation, over this turbulent stream, ‘on dry ground, until all the people were passed clean over Jordan.’ And I followed their route to Jericho—the frontier city of the Canaanites—where ‘the people shouted with a great shout, that the wall fell down flat, so that the people went up into the city, every man straight before him, and they took the city.’ There is no city now to take, nor are there any walls now to fall. There are a few miserable hovels, made of rude stones and mud, and the ruined walls of a building of the middle ages, where the wretched Arabs burrow, rather than live. Jericho has disappeared as completely as her rival cities, which sunk before the wrath of the Almighty. And it requires an effort to be satisfied, that here the great miracle which attended the entrance of the Jews into Canaan, was performed, though the truth of the denunciation is before the eyes of the traveler; ‘cursed be the man before the Lord, that raiseth up and buildeth this city of Jericho.’”

General Cass wended his way across the hills of Judea, and over the plains of Galilee; and he felt as if he was, in truth, treading upon sacred ground. He followed the path often trod by the Savior and his lowly disciples, and was enraptured with the association of ideas that—coming from far—crowded upon his mind. He was in Sidon, situate on the sea coast, and in a state of misery and decadence. It was originally an open roadstead, furnished with an artificial mole, the remains of which he beheld. He did not tarry there long, and on the morning of the succeeding day after his entrance, he put its miserable walls behind him, and found himself straightway on the sandy beach of the sea. After traveling this some two miles, he began to ascend the head of a small stream, deriving its sources from the Ridges of Lebanon: for he was on his way to see Lady Stanhope. He soon left this stream—lined with fig and mulberry trees, and interminable

vines—and traversed a very rugged and inhospitable country, ascending and descending hill after hill, each composed almost wholly of rock, till he came in sight of the little insulated mountain, where the lady had established her lonely dwelling. Almost conical, it was separated by a deep valley from the other hills. He toiled up its precipitous sides by a narrow winding path, enjoying the full benefit of a Syrian mid-day sun. When on the top, he stopped a moment for rest, and to survey the prospect. Steep valleys on every side seemed to enclose similar hills. Near was one having on its top a Greek convent, and others in the distance spotted with villages, Greek, Arab, and Druse. His eyes scanning the soil, fell upon nothing that indicated fertility: and upon the very top of the hill, the self-expatriated Lady Stanhope had established her residence. He found the cluster of houses built in the Arab manner, low, irregular, and quite detached, of stone, rudely constructed, and surrounded with a stone wall. There were some fig and pomegranate trees, vines and flowering shrubs, cultivated with care, and furnished with water brought from some distant spring in the valley below, for the hill itself was as destitute of water as the deserts of Arabia.

He had taken the precaution before leaving Sidon, to transmit, by a messenger, his card and letter, stating his desire to have an interview with her ladyship. He had understood, when in Damascus, from the French consul, who had been for some years her physician, that she was not always accessible, and was advised to give her previous notice of the visit. When he reached her house, General Cass found that she had not risen, for among her peculiar habits was one, it seems, which converted day into night. She had, however, it appeared, given orders for his hospitable reception, and an invitation to dine at three o'clock in the afternoon, when she would receive him. As he wished to visit the Emir Besheir, the prince of the Druses, who was about seven hours' ride beyond, in the midst of the Ridges of Lebanon, General Cass excused himself to her ladyship for not waiting, promising to make his visit to the Emir that evening, and to return, so as to present himself there again by noon of the next day. To this arrangement she assented, and he continued on his journey without then seeing her. The same uninviting country met his view, until he crossed some steep, rocky ridges, and struck a pretty stream, which discharged itself into the Mediterranean, between

Sidon and Beyroot. It was the one in which the Emperor Barbarossa was drowned, while engaged in a crusade. He traveled up this stream to its source, and, after dark, reached the residence of the Emir, one of the most romantic spots he had seen. The Druses—a singular people—occupied these mountains. They have preserved a species of independence, and were governed by their own princes. He was received and treated with true Arab hospitality. The palace was by far the most magnificent building in Syria, and more than four times the size of the President's house. General Cass understood that the Emir kept a thousand servants; and, during this day's journeying, he saw, for the first time, those horns alluded to in the Scripture, which are worn by the women. They were, at least, fifteen inches long, and rise over the forehead, covered by a veil, and most uncouth looking objects they were. He was back to Lady Stanhope's by the hour indicated, the next day, and was introduced into her private apartment. He found her sitting, dressed like an Arab, clothed in a robe, with a turban upon her head, and smoking a long pipe. She was tall and spare, with a wan and sickly complexion, and, apparently, about sixty-five years of age. There was a settled melancholy, which added to the interest of her appearance, and the recollection of what she had been, contrasted with what she was, produced a powerful impression upon her visitor. Engaged, in early life, to Sir John Moore, he looked for those traits which might be supposed to have attracted this great captain. But the remains were not to be found.

General Cass had an interesting interview with his eccentric hostess, although she had so far lost her command of the English language as to be driven occasionally to have recourse to the Arabic. She spoke, with vivacity, of many of the distinguished compeers of her uncle—William Pitt. She had traversed almost all the country between the Euphrates and the Mediterranean, and, by her conduct and her largesses, acquired an extraordinary influence over the Arabs. She was even saluted Queen of Palmyra, amid the interesting ruins which attest, on a small oasis in the middle of the desert, the former power of Zenobia. But she had found the Ishmaelites poor pillars for a throne to stand upon—a foundation as unstable as their own sandy ocean. They cried “more! more!” till the lady's treasury was nearly exhausted.

And General Cass was in Tyre. “How changed,” he writes, “is this Turko-Egyptian-Arabic town—dirty and disgusting as it

is, and filled with all manner of abominations—from the mighty Tyre of antiquity, the Queen of Nations! Surely has the malediction of the Almighty fallen upon her, and the prophecy of Ezekiel been fulfilled, that the world would lament over; ‘saying, What city is like Tyre—like the destroyed in the midst of the sea?’ It is, at present, a small place, situated on the shores of the Mediterranean, and upon an extensive plain, now sterile and uncultivated, but once rich and productive. The Ridges of Lebanon diminish here much in height, and recede from the sea, so as to leave an extent of country beautiful to the eye, but desolate and dreary. The town contains about twenty-five hundred inhabitants, and it is the very picture of misery. The buildings are old, mean, and dilapidated; the streets are narrow, dirty, and crooked, and with all the disgusting appendages of a Turkish town. The inhabitants are in the last state of destitution. The Governor is a negro, who came out with his Egyptian troops to do me honor, and gave us a salvo from a rusty piece of ordnance, calculated to terrify his friends more than his enemies. Never did the uncertainty of human pomp and power strike me with more force than when I passed under the rude portal of that city, and contrasted our *entree*, preceded by a few miserable Turkish troops, led by a negro, and surrounded by a crowd as wretched as even Syria could furnish, with the splendid processions which had many times traversed the same route, with all ‘the pomp and circumstance’ of eastern pageantry. I went to the house of a person calling himself the American Consul—an American Arab. The consulates in this region are desirable situations, not for their emoluments, but because they confer valuable privileges and immunities upon the possessor. They are preceded in public by two persons, carrying long staves, with silver heads, and they enjoy an entire exemption from all impositions, and from the jurisdiction of the local authorities. After some refreshment and repose—for the day was a burning one—I proposed to return the visit of our Ethiopian friend, but was told, quite frankly and without hesitation, by the consul, that he was too intoxicated to see us; and I sat still, waiting the happy moment of his excellency’s return to sobriety.”

General Cass, returning to France, arrived in Paris in November, 1837, after an absence of eight months. He had seen many of the most celebrated objects of nature and art in the East, and returned from them disappointed, with but three exceptions. St.

Peter's, at Rome, fulfilled and surpassed all previous conceptions ; and, after all that had been written upon the monuments of antiquity, he believed that superb basilic was fitted to produce more powerful impressions upon the spectator than any other building ever constructed by human hands. The ruins of Baalbec was another, and might be approached with similar convictions ; and the traveler, however highly wrought might be his expectations, would leave its columns, its porticos, and its enormous masses of hewn stone, with sentiments of wonder and admiration. The river Nile was the third object that surpassed his most sanguine anticipations.

The most interesting relic of the ancient vegetable creation he found upon one of the Ridges of Lebanon, not far from the renowned temple of Baalbec. It consisted of twelve gigantic cedars, the remains of the primitive forest which once covered that great mountain chain of Syria, and which yet rear their heads, prodigies of vegetation, and each surmounted with a dome of foliage overshadowing the spectator, as in the time of biblical story. One of them is forty-five feet in circumference, and all, both in size and hight, tell of the long ages that have swept over them. If these mute monuments of the past could rehearse the scenes that have transpired in the shadow of their foliage, what lessons might they not teach, in the long interval that has elapsed since these hills resounded with the noise of the workmen preparing the timber for the temple of Jerusalem, to the solitude which establishes its dwelling place wherever the Moslem plants his standard.

He saw the pyramids, mounds of earth, and tumuli, often spoken of by tourists and travelers, but he did not survey them with superstitious awe. Like the aboriginal structures and mounds of his own country, he easily solved, in his own mind, their origin and use. Judging from the social condition and institutions of any people, civilized or barbarous, there are but three objects, in his opinion, to which they could have been applied. These are defense, religious worship, and inhumation of the dead. According to the nature of their construction, they have all served for one or other of these purposes ; and, perhaps, some of them, probably the most extensive, may have been, at the same time, fortresses, temples, and cemeteries. He has found them in every situation ; in the lowest valleys and on the highest hills ; in positions almost inaccessible, as well as in those where defense would seem to be

hopeless, according to any system of warfare known to us; supplied with water and wholly deprived of it; and of every form and extent, from a small, isolated enclosure to works covering a large extent of space, and presenting great variety in their size and in the distribution of their component parts.

But, in traveling through the desolation and solitude of the countries he had visited, he had learned to appreciate the flag of his country. The star-spangled banner never appeared to him more beautiful than when the winds unrolled its folds over his tent in the desert; and he did not recollect that he ever had a prouder hour than when he entered, with a party of his countrymen, into the ancient city of Damascus, which existed in the days of Abraham, and which yet constitutes the *beau ideal* of an eastern city, as painted in the Arabian tales, preceded by the flag of his country, which attracted the gaze of the wondering Moslems. "If there is a dissatisfied American," says he, "I trust I need not say that I do not allude to our comparatively little internal differences of policy, but to the great principles of our government, and their practical operation—let him examine the condition of other nations, and, if he does not return a better citizen and a more contented man, I will agree to forfeit all claim to the gift of divination. This love of country is a mysterious sentiment. Dormant under ordinary circumstances, it is awakened and becomes intense as we recede from our own shores, till, when half the globe is interposed between the pilgrim and his home, the love of that home is the absorbing passion of his existence."

CHAPTER XXIV.

General Cass resumes his Official Duties—His Position at Court—Intimacy with the King—Jealousy of England—His Memoranda relative to Louis Phillippe, his Court and Government—The Reasons for Publication—Charges made against General Cass Examined—Their Refutation.

General Cass returned to France with improved health and vigor. Valuable as his journey had been to himself personally, in improving his health and increasing his stock of general information, he also had an opportunity of becoming acquainted with the defects and faults of the consular system of the United States, and with their commercial and diplomatic interest in those remote countries. He communicated the result of this tour to the Department of State, disclosing many important improvements, and some day they may be instrumental in the foundation of a new theory of trade and intercourse with the decaying and decayed nations he visited.

Every minister at a foreign court performs a duty of no slight import to his country, in endeavoring, in all ways fit and honorable, to excite towards himself the personal good will and esteem of the government to which he is accredited, and of the people where he resides. It tends to give him influence and power personally, and attaches more consideration to his diplomacy. Such always has been the aim of every prudent and sagacious ambassador of all civilized countries, and such is invariably the rule of conduct suggested in the official instructions. And especially so had been the policy pursued by American ministers at the court of St. Cloud. It was this far more than any other known efficient means, that enabled Franklin and his colleagues to get the ear of Louis XVIth. Jefferson, if his own recollections are to be credited, had the *entree* at the French court, and was on the most intimate terms of social, unofficial intercourse with the sovereign and family, and his own country has had the benefit of it.

Louis Phillippe was not a stranger to the United States or their institutions. He had in other days, as an exile from his beloved France, wandered in many climes, mingled with the people, and

was conversant with their character and sentiments. He had not always been limited in his peregrinations to the palace yard. He had had other companions than flatterers and courtiers, and was accustomed to the rough usages of the world that moves outside of the circle of the throne. Years before the time of which we write, had he explored the woods and rivers of the United States. He was familiar with that portion where the American Minister had spent so much of his life, and having acquired an affable demeanor whilst at the foot of the throne, he did not interdict it when clothed with the robes and sovereign attributes of royalty. Besides, General Cass had been too long on the stage of public life, had been a leading actor in too many of the great transactions of government, not to be well known in a town so enlightened, and comparatively so near, as that of Paris. He was found, upon near acquaintance, to possess a fund of anecdote, and apparently an exhaustless stock of information in all that related to his country, its history, condition, and men of note in every locality. As for the aborigines of the western continent, it was difficult to put a question that he could not intelligently answer. The various tribes, with all their sub-divisions, from Maine to Georgia, and from the sea coast to the base of the Rocky Mountains, he could locate and describe. He knew their manners and customs, their disposition and life—for he had summered and wintered with them, in peace and in war.

To the traveler in Europe who has visited the *salons* of learning and philosophy, it is unnecessary to say, that no topic is suggestive of more interest than the nomadic nations of the earth. And strange would it have been if the American Minister's knowledge of those that inhabited his own country, had not attracted attention. The king of the French was delighted with his society; of his own accord, in token of his high esteem, tendered the hospitalities of the court, that the Minister's sojourn might be agreeable, and on no occasion omitted the respect which he felt to be due to so eminent a republican, and to so powerful a republic as that which he had the honor to represent. England and Austria were competitors for supremacy at the court of Louis Phillippe, each in turn striving to undermine the other in official influence. They stood at the head of diplomacy in the French capital, but ere two years had elapsed, as we shall presently see, they became jealous

of the United States, and turned their attention to that quarter of the diplomatic circle.

General Cass, as was his duty, sought, as honorably he might, to strengthen the influence of his government, and on suitable occasions availed himself of opportunities thrown in his way, to cultivate the acquaintance of the king and his family. If this would create intimacy, intimacy would create influence. Possessed of stores of knowledge beyond mere politics, he had a better groundwork for statesmanship than if his mind was only filled with current politics. Where the mind thus imbued is practical, as with General Cass, we have materials for statesmanship of the first order. The liberalizing influence of letters is well calculated, in a country where political passions are so fierce as in ours, to soften the asperities of strife, and stop party from running into extremes. As the spheres of duty increase with such men, new and higher qualities are ever apt to be developed. So it was with General Cass when transferred from the home service to the court of France.

The cabinets of London and Vienna became alarmed at the rising influence of the American Minister. There were many grave questions to be considered and settled in the code of nations, and to hold Russia, it was necessary to retain paramount influence in France. And England would, if she could, interpolate her restriction on the freedom of the seas. The king of the French was flatteringly spoken of by her youthful queen, and by her lords and commons. But it was necessary to break that mysterious cord of friendship evidently existing between the king and the American Minister. A series of moves upon the diplomatic chess-board were projected, and passed to the joint execution of the British and Austrian ambassadors at Paris, and intrigue was now rampant. The nerves of the American representative remained steady, and he continued the duties of a mission, fast becoming of the highest importance to his country, with circumspection and undisturbed serenity. His personal influence at court was constantly in the ascendant. Despite all efforts, the stars and stripes which waved over the legion, commanded from the authorities, both high and low, more respect than ever. What was to be done? John Bull grew surly, and wondered how such an insignificant salary could support so proud a mission. It was necessary to change tactics, and undermine the vigilant

Minister in his own country, and the intrigue was transferred to Washington. The chief magistracy of the United States was to pass into new hands, and, perhaps, with a new representation, the tone of the court of St. Cloud might change.

It so happened that General Cass had improved many of his leisure hours in writing for the periodicals of his country, his off-hand impressions of manners and customs, as he found them in the old world. This he did to gratify the publishers, and acquaint his fellow-countrymen with what he had seen, for their gratification. And, among others, when he had nothing else to do, he had written out a variety of anecdotes, descriptions and reflections, of France, its king, court, and government. He did "nothing extenuate, or set down aught in malice," and when written, as it was at intervals, he had no intention of publishing them in the form of a book. But when his sagacity, ever vigilant, penetrated the British diplomacy, he concluded it would be well to make these memoranda public, supposing that in some way or other they would come under the eye of the king. There was not a line adverse to the rightful preference of the government of his own country over all other forms, but just the contrary again and again. But the larger portion of these memoranda was devoted to personal anecdotes of Louis Phillippe and his family, and of his journey in America forty years before.

John Bull, however, thought it would be a capital hit to malign the patriot of fifty years' standing, with being a courtier, and cite these memoranda as evidence of the charge. In England, the people at large read but little, and such was supposed to be the case in the United States. If, therefore, this charge was rung well by his pampered minions scattered through the States, the common people would believe it, a public sentiment would be created against the Minister, and, in his resignation, the British government would be rid of him and his influence. In all this, it was destined to disappointment.

General Cass a courtier! *He*, who had paddled his birch canoe thousands of miles, on the lakes and rivers of the west; *he*, who had worn his hunting-shirt in company with the buffalo, cut his piece of venison rib from the stake, and roasted it in the woods; the identical Lewis Cass who was soused in Sciota Salt Creek, saddle-bags, horse, blanket and all, when a young man, practicing law in Ohio and Western Virginia, and making his supper of

bear's meat, that he should turn courtier sounded odd to the millions of pioneers who had grown up with the country. Lynchas was transformed into a rock, and the eyes of Argus into a peacock's train, but the strangest metamorphosis of all, would be General Cass into a courtier! He was about the same sort of courtier while Minister in France, as he was when he was succeeding, by sterling sense and sagacity, in the negotiations of good treaties for his country with the Indians. A man of his mold knows as well how to deal with courts, and kings, and queens, as with the red men of our forests.

As these remarkable memoranda give much information, we will transcribe a few for the double purpose of giving the reader an insight into them, to know them as they are, and for the accurate knowledge they may contain of traits in French mind and manners.

In one, we find the following: "If an American first sees the king when making an excursion, the impression is a painful one. He and his cortege generally occupy three carriages, in the first of which, drawn by eight horses, is the king, with such of his family as accompany him. They are preceded by an outrider in the royal livery, (red,) and by two dragoons, who always keep themselves at a considerable distance from the main body, and who take care that the road is clear. These are followed by a detachment of dragoons immediately in front of the royal carriage; and on each side, and close to the doors, ride the aides-de-camp and orderly officers who attend the king; and then succeeds another detachment of dragoons. After this come the two other carriages, each drawn by six horses, and preceded by an outrider, which are occupied by the gentlemen and ladies of the court. The spectacle itself is a brilliant one, from the beauty of the horses, the neatness, as well as the splendor, of the liveries of the outriders, and from the arms and uniforms of the military. As the procession always sweeps by at a rapid rate, it seems to exhibit itself and disappear like the pageants in a theater. But the spectator asks himself how is it that the life of the king is exposed to perpetual attacks, and that the chief of one of the most polished nations in the world can not venture into the streets of his capital, without being surrounded by a physical force sufficiently strong to prevent all access to the royal person? The guards who attend the king of the French, whenever he leaves the walls of his palace

are not in the performance of a vain ceremony, like those with which many of the European sovereigns are accompanied ; but they are in the execution of a necessary duty, and without their presence, the life of the monarch would not be worth a day's purchase. What is the cause of this deplorable state of things ? Is it the fault of the king, or of his subjects, or of the government ? Is the root of the evil in the state of society, or in the course of political measures followed or rejected ? ”

In another, speaking of Napoleon, “ I have often questioned the old military veterans of the Hotel des Invalids, those living remains of Jena, and Wagram, and Austerlitz, and of a hundred other fields, respecting their General, Consul, and Emperor, and it was easy to see by their sudden animation, and by their eager narrative, how proud they were to recount any little incident which had connected them with him. His visit to their guard fire, and his acceptance of a piece of their campaign bread, constituted epochs in their lives to be lost only with the loss of reason or existence. I am satisfied that circumstances have not been favorable to a just appreciation of the whole character of Napoleon, in the United States. While he was at the head of the nation, we surveyed him very much through the English journals, and we imbibed all the prejudices which a long and bitter war had engendered against him in England. To be sure, his military renown could not be called in question, but of his civic talents, a comparatively humble estimate was formed. I have since learned to correct this appreciation, particularly after I heard, at the hospitable table of General Dumas, a discussion concerning the comparative merits of Louis the Fourteenth and of Napoleon, as legislators and administrators.

“ I had a conversation not long since with a retired statesman, heretofore a prime minister, and who was an active member of the Council of State when the Code of Napoleon, that lasting monument of legislative wisdom, was under preparation and discussion. He told me the Emperor was punctual in his attendance at all the meetings, and careful in the consideration of the various subjects which occupied them. His zeal did not flag during all the progress of these labors, and there was great freedom of discussion ; it being ardently the desire of the Emperor that all the important points should be subjected to profound examination. I asked my informant, how the question of acceptance or rejection,

as the several chapters came up for consideration, was determined; and, like a true American, I inquired if they were put to the vote. He smiled, and said there was no voting in the Council of State upon those topics,—that the Emperor listened patiently to all that was said, and then gave his own opinion, and thus terminated the subject. He had, indeed, too often an iron will and a heavy hand, and a grasp of ambition that seemed to augment as kingdoms gave way before him. His fall was a salutary lesson, and useful to the world, though the pride of the country was humbled, and its wishes disregarded in the new transfer of power. But if he was ambitious, he was ambitious for France: if he loved glory and power, he loved his country more: and he finally fell because he would not consent to reduce her extent, and to deprive her of the fruits of a quarter of a century of victories. But his successor at the Tuilleries could not participate in this feeling, and it seemed as though it were his wish to annihilate the memory of all that France had done and earned after his expatriation. Consolidating the two reigns of Louis the Eighteenth and Charles the Tenth, into one, we have a period the most remarkable, perhaps, in the history of the world, for the want of adaptation of the measures of the government to the circumstances around it. There was a continued effort to approximate the epochs of 1789 and of 1815, as though the intervening events could be erased from the annals of mankind, and their effects from the memory and feelings of the French nation.

“How different the conduct of Louis Phillippe. He has associated himself with the glories of his country. A new order of things was substituted for the past, and a new dynasty called to sit upon the throne. But this period of change was necessarily a period of excitement. All but the advocates of exploded principles put their hands to the great work of restoration, though with expectations as different as the various shades of opinion which divided them. This state of feeling is well illustrated by the phrases then so much in vogue, and which seemed to embody the opinions of a great portion of the community, ‘a monarchy with republican institutions.’ The thought was new and the expression was epigrammatical, and it took forcible hold of the public imagination. Every one knew what a republic was, and every one knew what a monarchy was; but a monarchical republic, or a republican monarchy, was something new under the sun, and

every one was left free to give to it such attributes as agreed best with his own political views. And in this latitude of expectation, no doubt, many warm and honest partizans belonging to different shades of opinion, saw in the new government the very *beau ideal* they had formed for themselves in their political reveries. A monarch called to administer a government under these circumstances, becomes, in fact, the representative of the various parties contributing to the work, and each expects that the measures to be adopted will be in conformity with the *programme* he has formed for himself."

And on another, speaking of *emeutes*: "There are, at all times, in these old countries, many desperate adventurers, desiring a change in the actual establishments, in the hope of finding some personal advantages in the confusion. And it is difficult for an American to conceive an idea of the true state of the working class, upon whose passions these men continually operate. Perhaps thirty cents a day, or a little more, may be the average price of labor throughout France, and out of this the workman must clothe and feed himself. And then come the seasons of interruption, when work is almost discontinued, and when the starving mechanics are thrown upon the community, to seek the support of life as they can. With us, every honest, industrious man can reasonably expect to provide something in the meridian of life for its decline. By emigrating westward he can procure a piece of land, and close his days surrounded by his family. But such an occurrence in Europe would be little short of a miracle; and in this reasonable expectation of an eventual acquisition of property in our country, with the moral stimulus which accompanies it, and in this despair of the future which seems almost inseparable from the condition of a European laborer, I trace one of the most striking distinctions between a new society and an old one, and one of our surest guarantees for the perpetuation of our institutions.

"An illustration, confirmatory of this state of things, is furnished by the law of conscription. By this law every young man, after the age of twenty years, is liable to serve in the army. He draws for his chance of enrollment, and is then called as his number and the exigencies of the public service may require. He serves seven years, precisely at the time of life when he ought to be forming himself for his eventful duties, and laying the foundation of any respectability he may hope to acquire. It is precisely the period

which, with us, if lost, would be lost irreparably. The average annual demand of conscripts in France, to keep the army at its requisite number, is eighty thousand, and this immense amount is every year drawn from the class of the population in the very spring-time of life, to be returned—such of them, indeed, as have the luck, good or bad, as it may be, to return—seven years after, without any preparation for eventual usefulness. But the most remarkable fact, in all this institution, is the pay which these forced soldiers receive—a pay which, after making the deductions that go to the government for indispensable supplies, amounts to *one cent* a day, twenty-five dollars and a half for seven years' services! And yet this process of military supply seems firmly established and engrafted on the habits of society; nor have I seen, among all the propositions with which the public has been excited since my residence here, for the melioration of the existing institutions of the country, a single allusion to this greatest of all practical oppressions. And I can not account for this apparent indifference to a subject which strikes every American with astonishment, unless it results from the conviction that a bare support is all the laboring classes can procure by the most fortunate exertion, and that it may as well be in the army as elsewhere. One circumstance, however, renders this arrangement more acceptable than it would otherwise be, and that is its perfect equality. It operates upon all with the same severity, and is executed with the most rigid impartiality."

And from another, speaking of the existence of secret societies, and their machinery and principles: "Their organization appears to have been well adapted to the ulterior designs of the party. Candidates were admitted with prescribed ceremonies, tending to produce a powerful impression upon their imaginations. They were blindfolded, accompanied by a guide, who made the necessary answers, and took an oath of secrecy and obedience. A poniard was placed in their hands, as a symbol of the power of the society over its members, and they invoked its employment in the event of their infidelity. The members were not known by their actual names, but each received a *nom de guerre*. They were required to propagate their principles; to make no confessions if interrogated by the authorities; to execute, without reply, the orders of their chiefs; to furnish themselves with arms and ammunition; and carefully to avoid writing upon the subject of

the association. At the initiation a series of questions and answers passed between the president and the candidate, which discloses the objects of the association, and the means it proposed to employ. This political catechism is a mixture of the wildest fanaticism and of the most frightful cruelty; and reveals a state of feeling, and an aberration of principle—and I might almost add, of reason—wholly unknown in our calmer and happier country.

One or two of the questions and answers will serve to give a general notion of the new light which is to break in upon the candidate, when the moral blindness that obstructs his mental vision shall be removed, as the natural light will strike his organs of sight when the bandage which covers them shall fall :

Question.—Is a political or social revolution necessary?

Answer.—A social revolution. The social state being gangrened, to arrive at a state of health requires *heroic remedies*; the people will have need during some time of a *revolutionary power*.

Question.—Who are now the aristocrats?

Answer.—They are the men of property, bankers, furnishers, monopolists, large proprietors, brokers, in a word (*exploiteurs*) landholders, who fatten at the expense of the people.

Question.—Those who have rights, without fulfilling duties, like the aristocrats of the present day, do they make part of the people?

Answer.—They ought not to make part of the people; they are to the social body what the cancer is to the natural body.

The first condition of the return of the social body to a just state, is the entire annihilation of the aristocracy—or in more direct, though not in plainer, terms, *the death of all who possess property*.

A novel republicanism is this! Resting upon such a platform, the blessings of government would *not* fall, like the dew of Heaven, upon all alike."

From another memoranda, the following is extracted, "Our system of newspaper subscription is very little known in this country. With us, subscribers and advertisements support the journals, and he must be poor indeed who is not upon the subscription list of some newspaper printer. But here there are almost no advertisements, the price preventing their insertion; for the charge, including the tax, is from thirty to forty cents a line of between

thirty-five and fifty letters. And the general subscription price of a newspaper is sixteen dollars, and this newspaper not resembling one of our formidable sheets, but presenting a latitude and longitude indicative of a great change of climate in this department of public information. It is in the cafes and reading rooms, and places of public resort, that all the journals of the day are to be found. These places are frequented by regular subscribers, as well as by other persons. They pay two *sous*—a little less than two cents each ; and for this sum the readers can remain in the reading rooms as long as they please, and peruse at their leisure all the papers of the day. There are places where, in addition to this mental enjoyment, more substantial comfort is sold, in the guise of a cheap, meager, red wine ; and here the loungee sits himself, with his favorite journal and his glass of *vin ordinaire*, and seems to laugh at the world, while he assuages his carnal and mental appetite at the same time. The French are both a frugal and a temperate people, and their peculiar system of personal comfort is well adapted to these principles of their social life.”

M. Leon Foucher, in his criticisms of M. Guizot's translation of the work of Sparks, containing the biography and writings of Washington, had taken occasion to ascribe the American Revolution to the high intellects of the country, and that it was not popular with the inferior classes, as he termed them : and General Cass remarks, “In his self-complacency, as an author and a Frenchman, it never occurs to him, that what he calls the different principles of those two great revolutions, or, in other words, the state of excitement and terrible crimes, which marked the progress of the one event, and of firm resolution and continued exertion, destitute of all political fanaticism, which distinguished the other, drew their origin from the characters of the respective people pushed to those struggles, and not from any peculiar political opinions of either of them, regarding the foundation of their rights, or the duty of resistance. The Frenchman might have considered the prospect of future oppression not worth the immediate exertion, while upon his ardent temperament a single wound may have required the propitiation of the fall of Bastille. But most assuredly the Americans did not want a visible signal to push them on : and he who should have displayed a bloody *shirt* for that purpose, would have been followed by the contempt of the spectators, and saluted with stones by every idle boy in the streets.

It must be remembered in all attempts to analyze the views of the French writers upon our country and government, that there is one peculiar fact to be kept in view, of the utmost importance in its bearing here, but which has not the slightest point of resemblance to anything in the institutions of the United States. In all questions of national opinion and of political movement, Paris is France. From the first explosion in 1789 to the last *emeute* in May, 1839, not a single popular effort has overturned, or seriously threatened to overturn, the existing government, which has not originated in the capital. And a very slight knowledge of the elements of the society which compose its mass of a million of inhabitants, is sufficient to explain how this multitude may be excited, and how a *bloody shirt* may perform an important part in the revolution of a kingdom. But, God be praised! we have no Paris, with its powerful influence and its inflammable materials. He who occupies the lowliest cabin upon the very verge of civilization, has just as important a part to play in the fate of our country, as the denizen of the proudest city in the land. There is no tocsin from a tower, nor any *rappel* from a guard-house, which can announce to the defenders of our institutions, that they are in danger. A drum or a bell whose roll or whose peal could reach the hundredth part of those upon whose affections our political edifice rests, will never be made by mortal hands. Such a sound will be heard but once by the human race."

And then, casting about to see, if he could, what had produced such a false impression and imperfect knowledge, in European mind, of the American standard of morals and measures, he attributes it to the observations of British travelers. He says, "There are a few honorable exceptions in this class of writers, but most of them are mere gossips in pantaloons or petticoats, who have crossed the Atlantic to read us homilies upon our barbarous usages, and who have returned to convince their willing countrymen that political institutions and social life in the new world offer nothing consolatory to the observer." And he then proceeds to say, "When I first arrived in Europe, I was so forcibly struck with the many *outlandish* things I saw and heard, that I commenced a kind of common-place book, in which I entered the most prominent of these aberrations from the true standard of civilization, as the code is taught by the English travelers who visit the United States. I entitled my collection of curiosities,

‘Trollopiana, or things I have seen in Europe, to be appended to the next edition of Trollope, Hall, Hamilton, *ed it genus omne.*’ The task, however, was not to my taste, and I soon abandoned it. But I will give you a specimen of the nature of these collections and recollections, to show how easily national recriminations may be found for national criminations. My object is to prove the palpable *iniquity* of our traducers by showing the bearing of the principles they have adopted when applied to their own country, a country whose moral standard is high in the estimation of the world, and to which we can look with pride as the birth-place of our ancestors ; and a country, too, with which we have many associations to bind us in lasting friendship. Now to my *argumenta ad homines*. I will tell what I have seen, read, and heard :

“I saw the door-keeper of the House of Lords, on the twenty-first of June, 1838, in a state of intoxication upon his post, and exhibiting a disgusting spectacle to every observer.

“I have seen the members of the House of Commons guilty of that *most abominable of all vices*, and heretofore described as a peculiarly American one, sitting with their feet raised and resting on the benches before them.

“I saw the passengers on board an English steamboat, from London to Antwerp, called the ‘City of Hamburgh,’ on the first of July, 1838, being almost all English, seat themselves at table without being called, and take possession of almost all the places, there awaiting the dinner ; and I saw three or four Americans help some of the ladies to seats, while many others were compelled to wait for a second table.

“I have seen the published report of a trial in which the Premier Baron of England, Lord DeRoos, was convicted of cheating at cards ; and one of the witnesses, a gentleman of high family, avowed that he examined the cards and found them marked, and afterwards played with DeRoos and visited him, and that he, (the witness,) made card-playing his principal occupation.

“And another witness, a commander in the navy, acknowledged that he had gained ten thousand pounds by play, and another, an officer in the army, that he had played with DeRoos after the cheating.

“And another, a baronet, who, though he had seen DeRoos cheat four years before, was unwilling to mention it, because

DeRoos was popular, and a favorite with the club, 'and then he was a Peer, too!'

"And another, Lord Bentick, who confessed he played with DeRoos after he knew he cheated.

"And another, George Payne, who played with, and betted on him.

"I have seen that an impostor, calling himself Sir William Courtenay, pretended to divine inspiration, and that he selected for the theater of his performances, the Archiepiscopal See of the Primate of all England. And this man, claiming to be the Savior of the world, collected around him many disciples, and finally, resisting the civil authority, perished, with many of his followers and opponents, in the effort to establish his power. And crowds of people flocked to see him after his death, and large sums of money were given for locks of his hair, and for his clothes, and for rags dipped in his blood.

"I have seen an English marquis, Waterford, engaged in a disgraceful contest with Norwegian police officers, and rendering himself contemptible, for what we should call blackguard breaches of the peace, wherever he went.

"I have seen an earl, Roscommon, fined for being drunk and unable to take care of himself in the street.

"I have seen a marquis, Huntley, declared a bankrupt.

"I have seen a member of the House of Commons accuse the committee of elections of perjury; and I have seen a distinguished Review, the Edinburgh, fortify the accusation, by asking what would be thought if committees of Congress were stained with a hundredth part of the suspicions under which the election committees of the House of Commons labor?

"I have seen the following speech of Mr. Bradshaw, Member of Parliament, at a public dinner: 'I hope Sir Robert Peel and the Duke of Wellington will purge the court of the filth which offends the nostrils of all but those whose sense is so vitiated that they do not know vice from virtue, or purity from impurity. Innocence is confounded with guilt. Virgin innocence is banished from the palace, while vice riots rampant at the royal board.'

"I have read a paragraph in a speech of a member of the House of Commons, which charged the Duke of Wellington and Sir Robert Peel with being anxious to place their friends about the queen for the purpose of compassing her death.

"I have read—and who has not?—the history of the affair of Lady Flora Hastings. If such an event, with its accompanying incidents, had happened in the mansion of the President of the United States, it would have furnished a mass amply sufficient to glut even twenty Trollopes.

"I have seen the attacks growing out of this affair, contained in the English journals, charging and retorting against the greatest names of England, not the usual ebullitions of party and political rancor, but imputations upon moral character, and allegations of the violation of the decencies of life, and these distinctly specified in the face of the country and the world, in terms which I shall not repeat. Among these names were those of the Duke of Wellington, Lord Melbourne, Lord Lyndhurst, the Marquis of Hertford, Lord Ellenborough, Lord Palmerston, and others which have escaped my recollection, and which I have no disposition to seek and record.

"The *Journal des Debats*, in quite a recent number, that of January 18th, 1840, which has appeared since the above was written, has come out with a full exposition of this extraordinary warfare, for the benefit of the continental scandal-mongers, and has added to it some remarks not devoid of interest, which I shall here insert.

"After a full account of the publications upon this subject, the *Journal des Debats* thus proceeds: 'The discussion is continued for some time in the same tone. We have seen the moment when the *Standard* was about to demand a jury of matrons. Truly, we begin to believe that the iron window-shutters of Apsley House have not been placed there as a protection against the insults of the populace, but rather as a sort of discreet leaf, destined to mask the statue not over bashful, which the fair daughters of Albion have elevated to their Achilles opposite to his house, and which they have inhumanly exposed to all the rigors of the weather of Hyde Park. Alas! the warrior who is honored by all England, after so many campaigns in all parts of the world, after so many palms gathered under all suns, after so many crowns received upon his white head, could he have expected, at the end of a career so well tried, and well filled, to see added to all those palms, and to all those laurels, a last crown of orange flowers?'

"I have seen the following *beauties* of the English periodical press:

"The *Times*—'O'Connell, an ungrateful hypocrite, has been making a rabid howl. . . . A miscreant, the worthless, bastard progeny of the Dublin newspapers.'

"The *Herald*—'The impertinent coxcombry of Lord Melbourne's letters.'

"The *Standard*—'The most shabby of all shabby administrations.'

"The *Courier*—'Is there any thing to which Lord Melbourne will not sink for money?'

"The *Globe*, speaking of bare-faced calumnies in the *Standard*, says : 'The scoundrels who put forth such insinuations.'

"The *Post*, speaking of Lord Melbourne, says : 'The man who could write this letter, deserves to be spit upon by every mother's son in the three kingdoms.'

"The *Morning Chronicle*—'To environ royalty with falsehood, and to infuse it into her very soul, is the aim of toryism.'

"The *Chronicle*—'The Quarterly comes out with an elaborate article to prove the queen is a liar.'

"The *Waterford Chronicle*—'This is the only one of the enormous lies of our sanctimonious cotemporary. There are not such liars in the world as some of these High Church Tory organs.'

"The *Times*—'The lying Premier, and his Home Secretary.'

"The *Times*—'The Whigs are irrevocably spavined, glandered, broken-winded, and doomed to slaughter.'

"It is obvious in perusing the extracts I have given from the French *acte* of accusation above referred to," continues General Cass, "and which exhibits the creed of the persons engaged in efforts to overturn the government, that the object is not confined to a change of political institutions, to the substitution of a republic for a monarchy, but that it extends to the fundamental basis of society, seeking the destruction of private rights, and of all the barriers which defend property and order. Undoubtedly, in these crowded regions of the old world, there is much misery, and the comforts of life are very unequally distributed. He who depends for existence upon public charity, or he who, by constant labor and continual privations, barely supports life without becoming a mendicant, may be easily taught to look upon the principles to which he attributes all these evils, as equally unjust in their foundation, and oppressive in their operation. . . . There is no problem in human society fraught with more important

consequences than that which seeks to combine the happiness of the greatest number with the necessary principles of public order and private rights. Visionary men, feeling right, but thinking wrong, may declare war against the existing institutions of society, and talk about the evils and selfishness of riches, and the justice of an equal partition of all the products of industry: and Utopian politicians may dream of some far-off regions where there is neither wealth nor poverty, where each labors for one and for all, and where self is lost in an indiscriminate benevolence. But such regions must be sought on another globe than this. If the curse of labor, the first fruit of disobedience, descended upon mankind, it was accompanied by the stimulus of necessity, and by the passion of acquisition. Without this *selfish hope*, and without the barriers which fence around whatever can minister to it, what would become of the nations of the world? Who would labor from the morning of life till its close, with hand or head, and toil in any of the innumerable spheres of action, which in their *ensemble* constitute the aggregate of society, if the reward he hopes to find in the product of his industry may be wrested from him by the first lawless invader who chooses to appropriate to himself what he pleases? And between the unlimited power of acquisition and enjoyment, and the indiscriminate abandonment of all to all, human ingenuity has yet found no practicable medium."

But General Cass, in the memoranda from which we transcribe so liberally, in order that the reader may see for himself what they are, passes from the grave topics, to others of a lighter character, and thus speaks of the personality of the king of the French.

"The king, Louis Phillippe, is now about sixty-six years of age. His constitution, however, is vigorous, and there are no marks of declining years about him. His frame is large, but there is much ease in his movements, and his whole carriage is marked by that happy address which good taste, and the polished society where he has moved, have enabled him to acquire. His countenance is striking and expressive, and displays the possession of great intellectual power. He belongs to that small class of men, the individuals composing which you can not meet in a crowd, or pass in the street, without turning round to regard them, and involuntarily asking yourself, who they are. All the engravings representing

him give a likeness more or less just, because his is one of those faces which the painter can not well mistake. He speaks and writes English as fluently as any Englishman or American; and I understand he possesses as familiar a knowledge of most of the modern languages. He is very ready in conversation, and displays great tact and judgment in his observations. His education was most complete and careful, and superintended by the celebrated Madame de Genlis. It is said to have been eminently useful and practical, and he was thus fortunately the better prepared for those adverse circumstances with which his early life was chequered. In his domestic relations, he is eminently happy; and as a husband, brother, and father, he is without reproach. In the execution of his public duties, he is said to be prompt and attentive; and in illustration of his conscientious application to his functions, I will mention an anecdote, upon the truth of which you can depend. Mr. Stevenson, our Minister in England, had heard a report, coming from a distinguished French statesman, that in all questions affecting the life of a man, the king was exceedingly scrupulous, and made a point of examining the papers with remarkable fidelity. Some extraordinary occurrence called this gentleman to the palace at a late hour in the night—as late, indeed, I think, as two o'clock—when he found the king in his cabinet, examining, with his usual caution, the case of a man condemned to execution. Mr. Stevenson, in the course of conversation with the king, alluded to this circumstance, and found the statement substantially correct. He afterwards ascertained, and from another quarter, that the king keeps a register, in which is recorded the name of every person condemned to capital punishment, together with the decision, and the reasons which led to the confirmation of the sentence, or to its remission. In the still hours of the night, the king performed the painful task of investigating these cases, with the just sentiments of a man upon whom weighs the responsibility of the question of the life or death of a fellow-creature. And he records, himself, the circumstances which influence his decision. It is a noble example, and one which ought to be followed by all magistrates, monarchical or republican, called to fulfill this painful duty.

“It is difficult for an American to form a correct notion of the labor which devolves upon a king of France. With us, the political tendency is to sub-divide power, and to cause it, as much

as possible, to be executed in the various localities which its exercise concerns. But here a contrary tendency manifests itself: and a spirit of centralization pervades the system of government, which, while it adds strength to the general administration, greatly augments the royal duties. In our country, such a course of procedure would be intolerable were it practicable, and impracticable were it tolerable. How far the extent to which it is carried in France is expedient, I do not suffer myself to pronounce. Recollect that the kingdom contains twice as many inhabitants as the United States, and that here there is one legislature and one chief magistrate to execute the duties which are performed in our country by thirty legislatures and thirty chief magistrates, as well Federal, as State and Territorial; and that, besides these duties, common to both nations, there is a great variety of others, which in France are reserved to the government, while with us they depend upon municipal or local authorities. And in addition to this marked difference of political organization, there is a great number of acts whose direction and control are within the sphere of public power in this country, which in ours are altogether free, and without the domain of legal and administrative regulation. It would surprise, and, perhaps, amuse, had I time to give even a *catalogue raisonnee* of these restraints upon what we consider national liberty; but as I can not do this, I will take a few extracts from royal ordinances signed by the king, which will furnish a general notion of the extent of the executive duties in France.

“*Are authorized.*—Le Sieur George, to keep in operation his flouring mill upon the river Blaise, commune de Sainte Liviere.

“Le Sieur Mathelin, to convert into a flouring mill his plaster-mill upon the rivulet de Taulay.

“Le Sieur Boisset, to add to the forge du Maillet he owns upon the river de Loire, &c., a furnace to melt iron ore, a board washing place for the preparation of the mineral, and a pounding mill for the dross.

“Les Sieurs Pillion, Destombs, and their associates, to transfer to the commune of Mauberge the iron manufactory they were authorized, by the ordinance of December 12th, 1837, to establish in the commune of Saint Riney—Mal. Bati. This last ordinance is repealed.

“Les Sieurs Dupont and Dreyfus, to construct a second furnace near that which they possess in the commune of Apremont.”

General Cass glances at court ceremonials, and contrasts England and France: and states that the Court of Louis Phillippe is far superior to that of George the Third in moral worth and dignity. In the internal economy of the former, menial offices are executed by servants, and the dignity of the recipient is not permitted to change the character of the service, and to exalt the station of him who renders it. He agrees with Mr. Burke, who said, "that it is not proper that great noblemen should be keepers of dogs, though they were the king's dogs." "But so does not think Lord Kinnaird," continues the General, "for a London paper of the previous week said that Lord Kinnaird, the new master of her Majesty's buck-hounds, had just taken for four months Colonel Cavendish's mansion at St. Leonard's, within about ten miles of Windsor, for the purpose of being within the immediate neighborhood of the place of his official duties. His *official duties* indeed! A peer of England, a hereditary judge of the court of the last resort, a *keeper of the queen's dogs*!"

"But," he adds, "a most instructive as well as amusing chapter might be written upon the history of these court ceremonials, existing and extinct, which have heretofore controlled, in a greater or less degree, the destinies of nations. I have been told, that, when Marie Antoinette entered the French Court, she manifested a mixed feeling of dislike and contempt for the rigid etiquette which prevailed there; and sought, in the gayety of her heart, to withdraw herself from its observance. I can well appreciate her feelings in desiring to *walk abroad into nature*, out of the artificial atmosphere in which she lived. But I must confess, that I surveyed with surprise one place associated by tradition with her name, and which assuredly I should have thought presented the last scene a young, beautiful, and accomplished woman would desire to visit. This was a stone bench in the catacombs under the city of Paris, which our guide told us had been constructed for the temporary repose of the queen and the gay and gallant Count d'Artois, when I was examining that impressive repository of the mortal remains of many generations which have died in this great city.

"In the absurdity of these observances, *truth is stronger than fiction*. When Marie Antoinette arrived on the frontiers of France to espouse the Dauphin, she was divested of all her clothes, in a tent pitched for that purpose, and then habited in a French

suit. Even Napoleon was led away by his penchant for these trifles to re-establish their observance at his court ; and it is well known that at the coronation of the Empress there was quite a family scene, because he insisted that her train should be borne by his crowned sisters.

“ Under the ancient *regime*, the right to have both folding-doors thrown open, or to sit upon a *tabouret*, which is a cushioned stool, was one of the greatest honors a subject could aspire to, and excited more sensation than many a political event affecting the prosperity of the kingdom. On particular days the king dined in public, when the principal personages of the court and the kingdom were seen standing at his chair, holding plates and towels under their arms and in their hands.

“ Lord Talbot failed in his efforts at reform at the English court, ‘ because the turnspit in the king’s kitchen was a member of Parliament.’ I do not know if the importance of this office has diminished since that day, but as I find, that even in the Red Book for 1840 the *Chief Cook*, the *First Master Cook*, the *Second Master Cook*, and the *Third Master Cook*, are all designated ‘ Esquires,’ I may presume it is yet considered sufficiently honorable for a member of Parliament to turn the king’s spit. In Scotland, Sir W. Anstruther, a baronet, is hereditary carver, having the right, standing at the side-table, to cut up the meats ; and Sir James Carnegie is hereditary cup-bearer, to wait upon the king when he desires to drink. I find one appointment in the Red Book which I trust, during the reign of a queen, and for the sake of conjugal happiness, will be a sinecure, that of ‘ leather breeches maker ’ to her Majesty.”

And now we will transcribe what the General says of the family life of the French Monarch, Louis Phillippe.

“ On ordinary occasions the French royal family assemble after dinner in an evening saloon, where the queen and princesses are seated, with the ladies of the court, around a table, generally engaged in needle-work, requiring little attention, and which when finished, is sent to be sold at some fair, opened for the purpose of raising money for charitable objects. The diplomatic corps, and persons entitled by their position to the *entrée*, as it is called—that is, who are expected to pay their respects to the royal family in the evening—present themselves occasionally, and the ladies are invited to take seats round the table, where the queen and her

sister, Madame Adelaide, and the Duchess of Orleans, when present, receive them with great kindness and affability.

"The gentlemen, after saluting the queen and her circle, are generally addressed by the king and by the Duke of Orleans, upon such topics of conversation as may naturally arise from the circumstances. There is in these family receptions, if I may so call them, a manifest desire on the part of the distinguished hosts to make the position of the persons, whether natives or foreigners, who present themselves there, as free from restraint as is compatible, perhaps, with the social distinctions necessarily incident to a monarchical government. Certainly there is no other court in Europe where an access like this is permitted, and where the interior of royal life is thus thrown open to public gaze. But the dynasty of July has nothing to fear from the most rigid examination of the social and domestic conduct of its members.

"In the winter there are great balls at the Tuilleries, at one or more of which each American who has been presented at court is invited. By usage, the proper officer writes to the Minister, asking for the names of all his countrymen who are in Paris, and who have in previous years been received by the king; and to the list thus furnished the names of all those recently presented are added, and an invitation is sent to each. As to the balls themselves, I must decline the office of chronicler. I have neither taste nor time for the task. There is all the splendor which power and wealth can command. There are immense apartments, gorgeously furnished and brilliantly illuminated — guards on duty, and servants in rich liveries—a numerous company, from all quarters of the globe, many in their national costumes, and each habited for the occasion; and there are besides these all the proper accessories of music and refreshments, including a magnificent supper, which may be expected from the highest rank and the most refined taste.

"In the summer the king and his family leave Paris, and reside at Neuilly and St. Cloud, and occasionally at Fontainebleau, and some of the other royal seats. A day at Fontainebleau will give a general description of the mode of life at these residences. Each guest is provided with proper apartments; and soon after he rises he is offered a cup of coffee, as is usual in France; and he then strolls out to look at the grounds, or to amuse himself as his inclination or caprice may dictate. About eleven o'clock, he is

summoned to breakfast, or, as it is termed, a *déjeuner à la fourchette*. He repairs to the saloon of reception, where he pays his respects to the royal family, and where he meets all the other guests, who participate with him in the general hospitality. From here the company go to the breakfast room, a magnificent hall, where a splendid table is spread with perhaps a hundred covers. The breakfast—resembling, in fact, a dinner rather than our morning meal—is served on elegant dishes, and presents the greatest variety of the choicest fruits. At this time, an intimation is given to the guests respecting the amusements of the day, which consist in hunting in the beautiful forest, visiting the circumjacent country, looking at the military maneuvers, or recreations of a similar kind. The means of riding are placed at the disposition of each person, either in carriages or on horseback, and he joins the party, and the day passes cheerfully away. At six o'clock in the evening there is again a general reunion in the saloons of reception, and from these the company move to the dinner table, which is all that the epicure or the man of the most refined taste could wish. Among other amusements of the evening is that of walking through the splendid apartments, one of which, by the by, contains the table at which the renunciation of Napoleon was written, together with the pen and inkstand which he made use of on that memorable occasion, and the original autograph instrument he wrote. The room is historical, and it is to be hoped that no vandal will arise to destroy these interesting memorials. There is no danger of this during the life of the present king or that of his son. The rest of the evening is spent in music and conversation, and a cheerful day is brought to a cheerful close. I am told, that no one has ever passed a day at this hospitable seat without being most favorably impressed with the kind attention of which he has been the object.

“But I quit these descriptions of royal life. Perhaps what I have said may be thought inappropriate, and in unfortunate juxtaposition with more important matter. But it should be recollected, that the courtesies of society enter deeply into public opinion, and that he who travels abroad and shuts his eyes upon the various modes of life, high or low, he may encounter, under the impression that these are too insignificant for his wisdom or gravity, may return with a self-satisfied conviction of his own acquisitions, but he will assuredly bring back with him little of that

practical knowledge without which his gravity, instead of being a proof of his wisdom, is but a cloak for his imbecility. And an American, while he is proud of the institutions of his country, and grateful for the rational equality which prevails there, may yet seek to explain the usages of other societies, and describe them for the gratification of his countrymen, without incurring the suspicion that he is dazzled by European lustre, or that he can not return to his country with feelings and affections as warm as when he left it."

There, we have given the pith of General Cass' observations on Louis Phillippe and his government. The residue of what was contained in the book that was published, relates to and in fact consists of a narrative, told in a familiar way, of the tour of the king and his two brothers in the United States — a tour embracing some four thousand miles of travel, and two thousand seven hundred of which was done on the same horses. These observations were just, and surely honorable to the feelings of a man who was treated by the king of France with the greatest esteem and friendship. The governmental policy pursued by Louis Phillippe towards the close of his reign, however different from that with which he commenced it, can not take from him the great qualities with which he was endowed, nor can it be set down a foible in those who praised him when he acted as he ought to do. In respect to the personality of Louis Phillippe, General Cass but repeated what had appeared, time and again before, in all the liberal papers in Europe. And there is no one, even now, that is acquainted with the state of Europe and of the masses — their wishes and condition — at the time Louis Phillippe ascended the throne, but is well satisfied, that, for a long time, he was the surest bulwark against the machinations of the enemies of freedom in Europe.

The old Bourbon dynasty was dethroned, and a new race of monarchs had mounted to power with more liberal views of government, and apparently greater sympathy with the living interests of the mass of the people. Such General Cass found when in France. Contrasted with the leading powers of Europe, the government of Louis Phillippe was a long stride ahead in melioration of the condition of society, and of respect to the wishes of Frenchmen, insomuch that it was looked upon with distrust by all the cabinets who believed in the divine right of

kings. The occupant of the Tuilleries, unlike other monarchs, had in his earlier days strayed among all classes; and that was not all, he had breathed the air of liberty on the mountains and plains of free America. He had seen life as it is, and better knew how to appreciate the wants of mankind. He was indebted to no particular caste or interest for the power he possessed. All, by common consent, from sea to sea, and from the Channel to the Rhine, apparently, at least, acquiesced, and with loud huzzas proclaimed him as their sovereign. The distinguished recipient of this lofty power evidenced a desire to rule for the good of France. So his reign commenced, and auspicious was it pronounced to be, by the liberalists all over the continent of Europe. If this bright morning of hope was succeeded by a dismal night, and the king—so happily installed with the reins of government—was driven from his sacked palace, to wander over the world as an outcast again, the philosopher of history must pause ere he renders his judgment, and examine with care the stratum upon which is reared this mighty fabric of dominion. If the First Napoleon, to say nothing of the Third, believed it for the good of his beloved France to encircle his brow with the imperial diadem, it surely should not be taken amiss for Louis Phillippe to wear the crown. If the plebeian of Corsica could habit himself in the imperial robes with complacency, no wonder is it that an exiled scion of royalty should deem the institutions of monarchy compatible with the prosperity and glory of his country.

CHAPTER XXV.

Ambition of England—Quintuple Treaty—The Chamber of Deputies—General Cass determines to resist the Treaty.

Simultaneously with the publication of the memoranda referred to in the foregoing chapter, England was aspiring to the supremacy of the seas. Under the shallow pretext of putting an end to the African slave trade, she was endeavoring to interpolate into the code of international law, the right to visit the commercial marine of the Atlantic, and overhaul the ships' papers. With the law and the fact in the hands of her cruisers,—without jury or writ of habeas corpus,—she, then, would seize upon the crew who had first seen the light in her dominions, upon the principle, *once a subject, always a subject*. Her persevering efforts to establish this doctrine of search, had been continued, unremittingly on all suitable occasions, for thirty years: and as long successfully resisted by the United States. But she was now exerting all the arts of diplomatic cunning, to blind the eyes of those whose co-operation she sought, and was on the eve of uniting the five great powers of Europe in a treaty, recognizing this right.

Austria, Russia, Prussia and France, were, with herself, to be the high contracting parties. The governments of the three former had already ratified the transaction, and the approval of the French Chamber of Deputies was all that was wanting to consummate it. Her representative at Paris was urging on the bargain to its completement, with his native craftiness and diligence. Her agents, fearing the personal influence of the American Minister at the French court, endeavored to sap it by soiling the patriotism of the man, and depreciating the attitude of his government before the world.

England, in this aspiration to be the acknowledged mistress of the ocean, had so far influenced the governments alluded to, as to induce them to sign the treaty she had so artfully prepared. Its ratification by France, and its execution, would undoubtedly have brought on another war between her and this country. It

would have been a wanton, destructive war. It would have reached the extremities of the globe. It would have paralyzed commerce, and depressed trade. Under the banner of *no slave trade*, the British navy would have roved the highway of nations, and under the banner of *no search*, it would have been met by the Americans. But, probably, despite every effort, the government of the United States would have been placed in a false position. England, backed by her powerful allies, would have made it appear that the United States was fighting to sustain a traffic in human flesh, which she and they were endeavoring to destroy. An immense treasure would have been expended, and thousands of lives sacrificed, to gain the mastery of the seas.

It was the winter of 1842, and the subject of the ratification of this monster treaty was to engage the attention of the French Chamber of Deputies. The British Minister was hand and glove with the leading members, and the British agents lent themselves to all the seductive appliances of the most refined diplomacy. It was already rumored in the French capital even, that the Secretary of State at Washington, Daniel Webster, belonged to a different class of statesmen from those who guided the high councils of the American Republic in the days of Jefferson and Madison, and that no fear need be entertained that the ratification would involve the *powers* in hostilities with this country. And to add poignancy to this reckless statement of the British employees, the hint was thrown out that with the change of the presidency followed a change of the diplomatic corps in all quarters of the world.

General Cass never felt the responsibility of official station more than at this crisis of his mission. Not certain how far he might venture to rely upon being sustained by his government at home, in the course which he felt it his duty to adopt in the emergency of the hour, he nevertheless at once resolved to act affirmatively. He had not time to write to Washington for instructions. Before a special bearer of dispatches could go and return, the legislative action so much desired by England, would have transpired, and appearances indicated that it would be favorable to that power. He deemed it necessary and proper to act on his own responsibility, and prevent, if possible, the consummation of her wishes.

Believing that if public sentiment could be reached, an effective

impression might be made upon the deputies, he, happily for his country, took an appeal direct to the people of France. This, in that land, and from such a source, was novel, and elicited the most vulgar epithets from the press of England. It was unanswerable ; if not so, at any rate no attempt at an answer was made. It startled the minds of the intelligent. It tore off the mask, and displayed in full form the real object of the treaty. Citizens and legislators, hitherto favorable, stopped to read the appeal, and rose from its perusal indignant at the designs of the British cabinet. It produced the desired effect on public sentiment. With the publication of this document, he protested to the government, in firm and respectful language, against the ratification by the Chamber. Without this ratification, the treaty was shorn of its vigor and power. Because if France and the United States opposed, its provisions could not be enforced, although the other four powers should countenance it. The appeal and the protest were effectual, and the French government abandoned the project, having ascertained that the treaty would not be ratified by the Chamber of Deputies. This masterly movement of General Cass thwarted the design of the British government, by breaking up the conspiracy she was so carefully forming against the sovereignty of the United States upon the high seas. At the same time he preserved untarnished the honor of his country, and by his own action ensured the continuance of peaceful relations, not only with the government, but also with our old friend and ally.

The proceedings of our Minister on this occasion, and his appeal and argument upon a question of great import to the world, should receive the study and examination of every citizen of the United States. His examination of the right of search is comprehensive and instructive, and is, in fact, the only authoritative exposition of the American view of a subject which British statesmen have so often endeavored to complicate. The reasons given for the position of the United States upon the doctrine of search, or visitation simply, are so clearly and forcibly presented, that one would suppose it must have carried conviction to all minds not closed against the light of reason and the power of truth. And yet it is probable that the result of the deliberations of the Deputies might have been of a different complexion, had the American Minister been without influence at the court of Louis

Phillippe. The truth is, the king himself, in consequence of his previous action, was anxious for the ratification of the treaty. General Cass had penetrated the diplomacy of the British government, and had several private interviews with the king and M. Guizot, the Minister of Foreign Affairs. Before the publication of his pamphlet, he called upon M. Guizot, and expressed a wish, as the subject was important to his country, and not well understood, to prepare his views of it, and to spread them before the French public. M. Guizot said that he saw no objection to this course, and therefore General Cass can not be accused of taking an improper or an undiplomatic course. Indeed, he exerted himself to the utmost to break up the unholy alliance, and to his own great gratification personally, and to the honor of his country, and the uninterrupted prosperity of his fellow-citizens at home, he was signally triumphant.

Believing that this important labor constitutes one of the great epochs of his life, we transcribe the appeal to the French people entire in the succeeding chapter.

CHAPTER XXVI.

The Appeal of General Cass to the People of France.

PART I.—THE QUESTION STATED—THE MOTIVES OF THE BRITISH GOVERNMENT—THE POSITION OF THE UNITED STATES.

The right of maritime search, now in discussion between the British and American governments, is a grave question, practically interesting to all nations to whom the freedom of the seas is dear, if not in its application to the subject which has been the cause or the pretext of its assertion, at any rate, from the consequences to which its use or abuse may lead. Its connection with the African slave trade is but incidental, and the nature of this traffic, which nowhere finds advocates, can not affect the nature of the question, nor the right of a state, nor of a combination of states, to make an interpolation into the law of nations, which shall become a part of that great public code. Great Britain professes to push this point, in order to destroy the yet existing relics of that trade. We do not question her motives—that is no part of our purpose. But, in all general discussions, we must take human nature as it is, with the good and the bad blended together; and we may, without offense, fairly follow out the application of a principle, and seek its consequences to the parties. And we are at liberty, without violating any of the courtesies of a liberal controversy, to assume that neither can be indifferent to its bearing upon their interest, whatever motive of general benevolence may have led to the difference. Great Britain is eminently a maritime and commercial nation, and the history of her naval progress, during the last century and a half, is pregnant with lessons for all people interested in the freedom of the seas. She has marched steadily on to her object. Naval superiority she has acquired, and naval supremacy she seeks. We say this in a spirit of truth, not of offense. Human ambition is everywhere, in some form or other, in ceaseless action; and, upon sea and land, the history of the past is but the warning of the future, and nations will strive, as they have striven, for power. It is impossible that the intelligent government and people of Great Britain should shut their eyes to the effect of this claim of a right of search upon their interests, whatever motives of philanthropy may have led to its first suggestion. To their flag it will give the virtual supremacy of the seas. We say virtual supremacy, because it would be found, in practice, that, ninety-nine times out of a hundred, it would be her cruisers which would search the vessels of other nations.

During twenty-five years, the British government has urged the government of the United States to consent to this measure. The application has been steadily repelled and pertinaciously repeated. In the meantime, treaties have been formed, at various intervals, between Great Britain and some other nations, establishing a mutual right of search, and regulating the principles upon which it shall be exercised. Within a short time, five of the European powers, two of which have few

vessels upon the ocean, and, probably, not one on the coast of Africa, had reciprocally made themselves parties to a similar convention. "Great Britain," says the London journal, the *Times*, "has managed, by great exertion, to accomplish this object." We do not judge, if the expression is rightly chosen. It is certainly very significant. And now this principle of the right of search, in a time of profound peace, heretofore never claimed as a question of right, and so solemnly decided by the English Admiralty Judge, Lord Stowell, but sought, as a conventional arrangement, for the first time since the last general war in Europe, and established by treaties with several powers, as a matter to be regulated by themselves, is claimed by Great Britain to be a part of the law of nations, which she has both the right and the will to carry into effect, as a sort of *custos morum* for all the maritime powers of the world. "All our government contends for," says the *Times*, "is the mere right to act as constables in boarding suspicious ships, bearing the American flag." And who made England the great prefect of police of the ocean, searching and seizing at pleasure? And the United States, who have so long been asked to yield this point by convention, are now told that it is established without them and in spite of them; and the great ministerial English journal, the *Times*, in a leading article of its number of January 5th, 1842, after defending this interpolation into the law of nations, says that the European powers, parties to the last treaty, will not brook to be thwarted by any ordinary restiveness. It thus significantly concludes: "A single war with Great Britain she (the United States) has already tried; a war, on her part, with all Europe, will be a novelty."

There is certainly no want of frankness here. While the special Ambassador, Lord Ashburton, goes out with the professed objects of peace and conciliation, we are told in effect by this leading journal, that the United States have but one course to adopt, in order to avoid a war with the European world; and that is, submission to the demand of England. There are powers, parties to the late treaty upon this subject, which we shall not believe will make themselves parties to a war with the United States, until we actually hear the sound of their guns. Does the *Times* speak by permission, or by command, or by neither? Is this declaration a prophecy, as well as threat?

As to the suppression of the slave trade, it is a question which meets no opposition in the United States. The American government, if not the first, was among the first to give the example to the world of a legal prohibition of this traffic. As early as March 22d, 1794, they commenced their legislative measures for its repression, and in subsequent laws, passed 10th May, 1800, 28th February, 1803, 2d March, 1807, 20th April, 1818, and 3d March, 1819, they extended and enforced the provisions and penalties upon this subject, and rendered liable to heavy fines, and among other punishments, to an imprisonment of seven years, those who should be engaged in this nefarious pursuit. Their armed cruisers have permanent instructions to examine all the American merchant vessels they meet, and which they have reason to suspect; and their tribunals enforce these repressive laws with as much promptitude and impartiality as those of France or England enforce similar laws. That violations may occasionally occur, and that the American flag may be sometimes abused, we feel no disposition to deny,—not by the introduction of slaves into the United States, for that traffic is unknown, and would be impossible. We may venture to assert, that not a slave has been imported into the United States for thirty years. We would not be guilty of deception upon this subject, and if there is a single exception to this statement, we have never learned it. If American

interests are connected with this traffic, it is in the transportation of slaves to Brazil or the Spanish colonies. But even this is much rarer than is supposed; and what has given occasion to the imputation of its frequent occurrence, is the fact, that the sharp Baltimore schooners, well known for their speed, are often sold to the Spanish and Portuguese merchants, and are then fitted out for the slave trade. Every practical sailor knows them at once; and as they are American built, they are supposed to be American property, when in truth their national character is changed. But any candid, intelligent man will at once see and acknowledge, that in the scandalous traffic like this of human beings, condemned by the public opinion and by the laws of the United States, and watched perpetually by one of their squadrons upon the coast of Africa, revolting to humanity, afflicting to all Christians, and reprobated by the civilized world, the pecuniary interests of a few degraded men, who covertly pursue it, by associating their capital with the regular slave dealers of other nations, would not weigh as the small dust of the balance with the American government in any consideration connected with this matter. This miserable motive has been hinted at, rather than distinctly charged, by some of the English journals. We shall not descend to refute the charge. No administration in the United States, giving the least just ground for such an imputation, could resist the public indignation. No: it is not African slavery the United States wish to encourage; it is, as we shall see by and by, American slavery, the slavery of American sailors, they seek to prevent.

But after all, a crusade of benevolence can not be carried on against any nation, because its laws are sometimes violated, and its flag abused. If its government connives at such measures, then, indeed, it is justly liable to the reproach of Christendom. But against the United States, there is no pretense for such an imputation; and the question, now under discussion, must be judged, independently of these accidental evasions, which are common to all nations and to all codes.

PART II.—THE QUESTION MET—ENGLISH AND AMERICAN PERTINACITY
—THE REASONS WHY THE FORMER IS WRONG AND THE LATTER
RIGHT—THE GREATEST OBJECTION OF ALL—THE RIGHT OF SEARCH
DISCUSSED AND REFUTED—THE KEY TO AMERICAN RELUCTANCE
AND BRITISH PERTINACITY—THE PRACTICAL CONSEQUENCES OF THE
RIGHT TO VISIT, OR SEARCH, OR BOTH.

As to a right of search in time of peace, no one pretends it has heretofore existed. The well known English Admiralty Judge, Sir William Scott, afterwards Lord Stowell, whose disposition to enlarge, rather than to restrain, the maritime pretensions of England, no one, who knows the course of his decisions, during the last general war, will doubt, expressly decided, that such a right was unknown to the law of nations. This decision, in the case of a French vessel seized upon the coast of Africa, absolutely puts down all this pretension in the most authoritative manner.

“No nation can exercise a right of visitation and search, upon the common and unappropriated parts of the ocean, except upon the belligerent claim. No nation has the right to force their way, for the liberation of Africa, by trampling upon the

independence of other States, on the pretense of an eminent good, by means that are unlawful, or to press forward to a great principle, by breaking through other great principles which stand in their way."

But it may be asked, as the object for which this measure is now demanded is just, why does not the American government assent to the propositions which have been made? Is the reciprocal power more injurious or less honorable to the United States than to other nations, who have admitted its obligation? The question is a fair one, and ought to be fairly met. If this can not be done, we shall not deny that the motives of the United States may be fairly suspected, and their conduct arraigned at the bar of Christendom.

In the first place, we would remark, that there is a natural indisposition in the human mind to yield to applications which are accompanied with threats of the consequences. This sentiment is common to nations as well as it is to individuals, and, in fact, forms part of the dignity of human nature. English pertinacity in demanding, has been met by American pertinacity in resisting; and now, when the United States are summoned to give their adhesion to a new principle of public law, against which they have uniformly protested since its first promulgation, and are told by Lord Aberdeen, that the course of the English government is taken, and that the claim will be enforced, with the taunt that "it is for the American government to determine what may be due to a just regard for their national dignity and national honor," no generous people can fail to find in their present position that just resistance to dictation, without which there can neither be self respect at home nor honorable estimation abroad.

But besides, where would end this doctrine of interpolation? Who can tell the extent to which it may be pushed, or the purposes to which it may be applied? It is by progressive steps, that many a pretension, hostile to the best dictates of reason and humanity, has urged its way to recognition, and taken its place in the code of maritime law. Belligerent powers are always ready to break down the feeble barriers with which public opinion has endeavored to protect the rights of peaceful traffic; and in the *Times* of the eighth instant, this process is described and defended with equal frankness and coolness. The lessons of the past are lost upon him, who does not read in this avowal, the contemplated transformations which the great maritime code is destined to undergo. An act of violence of yesterday, so pronounced by the Duke of Wellington and Lord Stowell, becomes the doctrine of to-day, and to-morrow finds itself firmly established, to be defended by jurists, enforced by cannon, and applied by Courts of Admiralty.

"And the same kind of general proscription, since attempted by Napoleon against ourselves, has equally failed to gain admittance into the international code. In all this, history, justice and expediency have alternately triumphed, *but each step has been the result of a struggle* (the italics here and elsewhere are our own) such as is now pending between ourselves and the United States. *Law has had to work its own way.*" Significant words these, and as true as they are significant. When force more and more usurps the place of justice, law works its own way, and it goes on bearing down before it the doctrine of jurists, the decision of judges, and the rights of the world.

But apart from these general considerations, applicable to all changes in the maritime code of nations, there are cogent reasons why the United States should refuse their assent to this measure, some of which are common to them and to all other states which do not seek to exercise the police of the seas, or, as the *Times*

says, "to be the constables of the ocean," and others, which are proper to them only, arising out of the peculiar relation which a community of language, manners and institutions exerts between them and England.

Looking to this right of search, as a measure affecting the commerce of the ocean, it is arbitrary, vexatious, and not only liable, but necessarily liable, to serious abuse. It is arbitrary, because it constitutes a naval officer, whatever may be his rank, the judge to decide upon serious questions and upon grave interests. It permits a foreigner, under the pretense of settling the national character of a vessel, and the objects of her cruise, to indulge his antipathies and his love of gain, by seizing the ship and cargo, and imprisoning the crew, and by sending them to a distant port for examination; and all this without any practical redress against the wrong doer. It is vexatious, because all who know anything of the course of boarding ships and boarding officers, under similar circumstances, know, that the search is pursued with little regard to justice or forbearance. There is power on one side and weakness on the other. The American vessels, during the long period of lawless domination which the belligerent powers exercised over the high seas for many years, at the close of the last century and at the commencement of the present, were too often the victims of a similar search, instigated frequently by cupidity, and conducted in the most injurious and offensive manner to leave any doubts respecting the course which would be taken, should this claim be recognized. In this condemnation, we speak now of what is history. We stop not to examine the value of the pretensions by which these aggressions were sought to be justified, that the antagonist partly had commenced this work of violence; nor the truth of the charges, thus respectively preferred. And the vessels of France, of the United States, and of the Hanse towns, have already had a foretaste of what will occur, when a few years more shall have consecrated the present doctrine, as an acknowledged principle of international law. The crews will be paraded and examined, perhaps by a young midshipman, and this offensive operation will be rendered more offensive, by that kind of insolence which is everywhere the sure accompaniment of unchecked responsibility. This tendency to abuse can not be better described than it has been by the *London Sun*, and as its views upon the question are more authoritative than ours, we shall quote them. It says, that arbitrary habits "are engendered and maintained in our naval officers by the mode employed to procure men for the fleet, and those habits make them treat foreign vessels in an arbitrary manner." So far as respects the treatment of merchant vessels, this is true to the letter. And once establish this right of search, and the scenes of violence which chequered the ocean for twenty years, will again be renewed. The hatches will be broken open, the cargo overhauled, property dilapidated, and many articles will be taken, as they have been taken, without permission and without compensation. This has often happened, and is an abuse, inseparable from such proceedings,—prohibited and deplored, no doubt, by all honorable officers of a boarding ship, but where might makes right, easily effected, and not easily detected and punished. The annals of American voyages abound with similar incidents, which occurred during those stormy periods. And the complaints were not confined to the conduct of one of the belligerent powers, the one from the number of its cruisers, if from no other cause, was much more injurious to the American commerce than the other.

We speak of all this as an historian, but we speak of it as an historian holding up the past as a warning, and predicting that the future will bring with it the

same consequences, if the same causes are put in operation. The journal, the *Scotsman*, is perfectly correct in its appreciation of the American feeling when it says, "We have little doubt that the arrogant and indefensible right of search, claimed by Great Britain in the last war, lies at the bottom of the stubborn hostility of the Americans to the reasonable propositions of our government."

But again, this claim is liable to serious abuse, because there are strong temptations, both national and individual, to pervert the professed objects of the search into others, which, though not avowed, are apparent, and because the remedy is distant, expensive and doubtful.

The commerce of Africa is already important, and is becoming more so every day. The very suppression of the trade in human beings will tend obviously to turn industry and capital into other branches of employment. England is now exploring the interior of that great continent, and with her accustomed foresight is pushing her intercourse with the native tribes, and preparing new means of communication. Who can doubt but that English cruisers, stationed upon that distant coast, with an unlimited right of search, and discretionary authority to take possession of all vessels frequenting those seas, will seriously interrupt the trade of other nations, by sending in their vessels for trial under very slight pretenses, and in part under no real pretense whatever? For we must not lose sight of one of the most important elements in all this controversy, which is, that the mere appearance of a merchantship in those regions is ipso facto suspicious. This is the very ground-work of the English pretension; the right, as her government now contends, to ascertain by actual examination, the true character of every vessel found in "certain latitudes," which are assumed to be suspicious, as the quarantine regulations pre-suppose many regions to be always pestiferous. Under these circumstances, a boarding officer, stimulated by that reward which a successful capture always brings with it, and by a determination, which may not be uncharitably charged to him, of favoring the trade of his own country, and of discouraging that of another, will readily believe, or affect to believe, not that there is just ground to suspect the destination of a vessel, that her very appearance upon his cruising ground furnishes, agreeable to these new institutes, but that the redeeming circumstances about her are not sufficient to establish that her cruise is a lawful one, or that she is entitled to the national character she claims; and that she must be sent to a Court of Admiralty, to one of those great maelstroms which swallowed up so many American ships, during that period when there was no right upon the ocean but the right of force. The vexation and interruption of voyages, the result of this system, are easily understood. A trade carried on under such unfavorable circumstances, can not contend with the trade of a favored nation, who herself exercises the police of the seas, and who may be harsh or lenient, as her prejudices or interests may dictate. It must be abandoned, as some of the Paris journals of the eighth instant announce, that the French vessel, the "*Sophia*," has just changed her destination, rather than subject herself to the vexations which another French ship, the "*Marabout*," had experienced from the English cruisers upon the coast of Brazil. As to the indignity to which this proceeding will expose the officers and crews of merchant-ships, that must be left to every nation to appreciate for itself. It is not probable that the pretension will be rendered less offensive by the mode of its execution.

But beyond all these objections, applicable in common to every maritime nation, there is another, far more powerful in its operation, and which, from the peculiar relation of language, manners and institutions that exists between the United States

and Great Britain, renders this measure not only obnoxious, but to the last degree unacceptable to the American government and people. We would not impute unworthy motives to a great and intelligent people, and Great Britain has done enough to command for herself her full share of the admiration of the world. But we must take human nature as we find it, and the code of political ethics is a loose system, where there is much both of good and evil. Amidst many gradual meliorations in the Constitution of England, she has adhered with wonderful tenacity to certain pretensions, arising out of feudal notions, and among others, to one by which she claims that every person born under her government is forever a British subject, and that if he is by condition a seaman, he is liable to be taken wherever he can be found, and forcibly compelled to serve an unlimited period on board her vessels of war. This is not a conscription which operates equally upon all, subjecting all to the same chance, and requiring their services upon established conditions, and for fixed periods. However, so far as this is a municipal regulation, other nations have no concern with its justice or policy, except as a subject of general speculation. But unfortunately for the duration of harmony between the United States and Great Britain, this pretension is a subject of fearful importance. The British government claims the right of impressing seamen on board the merchant-vessels of the United States; and once, as is well known, they exercised this right on board the Chesapeake frigate, after an action, in profound peace, when the American ship was compelled to yield to superior force. The conduct of the commander was, however, disavowed, but his zeal was rewarded by promotion. It is now matter of history, that for many years the British armed ships boarded the American vessels, wherever they found them upon the ocean, and seized their crews, incorporating them with their own, and compelling them to fight the battles of a foreign power; first against France, and ultimately, after the commencement of the war, to which these aggressions gave rise, to fight against their own country. In theory, indeed, the British government did not arrogate to itself the right to impress American citizens, unless those citizens had been born British subjects. In that case, the new character with which they were invested gave them no protection against this new pretension. But in its practical operation, this power was exercised with a general disregard of the character of the American crews, the boarding officer being the final judge, and the cruiser being almost always in want of able seamen. A midshipman entered an American vessel with absolute power, mustered the crew, declared that such and such persons were British subjects, seized them and transported them to his own ship, to be released by death or by a general peace.

Vain were the protestations of these unhappy victims of lawless aggression; vain the opposition of the captain; vain the proofs, furnished by the papers. His Britannic Majesty's ships wanted seamen, and seamen they took. During many years, a warm diplomatic correspondence was carried on between the two governments, but the argument being exhausted, and the abuse continued, an appeal was finally made to arms.

The British government said, our seamen seek protection in the United States, and enter into their marine, and thus escape from the duties they owe to their own country. We have a right to their services, and we have also a right to take them, wherever we can find them in merchant-ships on the high seas, having first entered these ships for another purpose.

To this the American government answered: we deny the doctrine of perpetual allegiance. Our country is open, and if foreigners come here, after a certain

number of years, and compliance with certain established formalities, they may be invested with the character of American citizens, and then it is our duty to protect them. You adopt the same principle, and follow the same practice; you naturalize by special acts of Parliament; you naturalize all persons who reside a certain number of years in your colonies, and *you naturalize all seamen who have served a short term in your navy*. At this moment, the governors of some of your colonies are compelling emigrants from the United States to bear arms against us. We have just turned to McCulloch's Dictionary of Commerce to ascertain how far the American government were borne out in their assertion, respecting the naturalization of foreign seamen by the British law, and there we find, page 1011, that among other means of naturalization, a foreigner who has "served on board his Majesty's ships of war, in time of war, for the space of three years, becomes 'a British seaman.' But his Majesty may by proclamation during war, declare that foreigners, who have served two years in the royal navy during such war, shall be deemed as British seamen."

The act of Congress, respecting the employment of seamen in the American service, provides, that no person shall be employed in the public or private vessels of the United States, who is not a native born or naturalized citizen. Another act on the subject of naturalization provides, that "no person can become a citizen of the United States, who shall not, for the continual term of five years next preceding his admission, have resided within the United States, without being at any time during the said five years out of the territory of the United States." In the one country, a foreigner can enter into the marine service, without the probation of a moment; and after serving three years, he becomes ipso facto a British seaman. Into the marine service of the other no one but a native can enter, till he shall have actually lived five years in the country, without departing from it.

In the whole history of human inconsistencies, few chapters can be found more striking than this.

But the United States were anxious to avoid a war with Great Britain. They were willing to concede much to avert this extremity. They exhausted the catalogue of arguments and of offers. Thus speaks the President of the United States, in his message of June 13th, 1812, recommending war: "This practice," that of impressment, "is so far from affecting British subjects alone, that under pretense of searching for these, thousands of American citizens under the safeguard of public law, and of their natural flag, have been torn from their country, and from every thing dear to them, have been dragged on board the ships of war of a foreign nation, and exposed under the severities of their discipline, to be exiled to the most distant and deadly regions, to risk their lives in the battles of their oppressors, and to be the melancholy instrument of taking away the lives of their own brethren.

"Against this crying enormity, which Great Britain would be so prompt to avenge, if committed against herself, the United States have in vain exhausted remonstrances and expostulations: and that no doubt might be wanting of their conciliatory disposition, and no pretext left for a continuance of the practice, the British government was formally assured of the readiness of the United States to enter into an arrangement, such as could not be rejected, if the recovery of British subjects were the real and sole object. The communication passed without effect." We return to the point maintained by the American government in the correspondence to which we have referred. Independently, said they, of these obvious considerations,

(the same we have already presented,) there is another which covers the whole question. Your right, by your own confession, is not an absolute one. It yields to our right of sovereignty. You do not claim to come upon our soil, and there to seize your sailors. Where do you find the right to seize them in our ships, covered by our flag, which is as exclusive of your jurisdiction, except in certain prescribed cases in time of war, as the territory of the United States? If you suffer your citizens to escape, and to come under our sovereignty, your claim to their services must yield to our superior claim to national immunity. Like many other rights or pretensions in society, if this can not be exercised, without violating the privileges of another party, it must be abandoned.

The British jurists of that day, who administered, and often made the maritime law, were endowed with sufficient subtlety to discover new principles to suit new circumstances, and her statesmen had sufficient firmness to adopt and maintain them. But we doubt, if in the whole progress of that warfare, between orders in council and imperial decrees, which so long vexed neutral commerce and outraged the common sense of mankind, a bolder invasion was made into the regions of maritime metaphysics, than in the promulgation of that doctrine which was to reconcile the exercise of this right of impressment, with those principles of public law, that had been too long and too clearly established to be directly controverted. Who was the discoverer of this, till then, *terra incognita*, we knew not, but its revelation was announced by great authority and from a high place. It is to be found in a declaration of the Prince Regent of Great Britain, dated July 9th, 1813, made in answer to the manifesto of the American government, recapitulating the causes which had driven the United States to war; and it is there gravely maintained, that "His Royal Highness can never admit that in the exercise of the undoubted and hitherto undisputed right of searching neutral merchant vessels in time of war, (alluding to the ordinary rights of search, recognized by the law of nations,) the impressment of British seamen, when found therein, can be deemed any violation of a neutral flag. Neither can he, the Prince Regent, admit that the taking such seamen from on board such vessels can be considered by any neutral state as a hostile measure, or a justifiable cause of war."

And thus speaks the executive of England. The right to enter an American ship, for the purpose of impressment, is clearly disclaimed; but, having entered for a lawful purpose, then the boarding officer has the right to take any British subjects he may find; that is to say, to seize every American sailor, and place him upon the deck of a British cruiser. We shall not go back to the history of the monstrous abuses to which this pretension gave birth, and which drove the United States to war. They would have become a by-word among nations had they tamely submitted to see their seamen dragged into this worst of slavery. But it is well, with regard to the future, to investigate the claims of the past. A seaman, on board an American ship, is protected by his national flag. No British officer can enter, for the purpose of tearing him from this natural asylum. But, having entered for one object, he may execute another. Certain belligerent rights are given to him, and he may board all vessels upon the great highway of nations, in order to enforce them. And having done, or affected to do this, he may then turn around and pervert his right of entry to a totally different object. He may violate the sovereignty of the neutral power by giving effect, not to the code of international law, but to the mere municipal regulations of his own country, and under the most arbitrary and offensive circumstances. No; all this is but the sophistry of power, determined to attain its object,

and seeking to justify itself. There is no such right of conversion—no just claim to demand one thing and to do another. The whole pretension shocks the common sense of the world.

Argument would be lost in its refutation. The analogy of the English law would lead the British government to a far different conclusion. In England, if a person has a right of entry for one purpose, and perverts it to another, he renders himself a trespasser *ab initio*. He finds no convertible justification, by which his real object may be obtained, while he covers himself with a professed one.

According to this right of conversion, when the British forces entered the State of New York to burn the "Caroline," having got within the American territory, for what they contended to be a lawful purpose, they might have then violated the national sovereignty at pleasure, and seized all the persons they found, who had been born British subjects, and transported them into Canada. And why not have seized their American debtors, if they had any, or done any other act which they might lawfully do at home, as they claim to enforce their municipal laws upon the vessels of the United States. This claim can only be supported upon the ground that these laws ride over those of the United States wherever British power plants itself, even for the shortest period, and for whatever purpose.

But another *high authority*, the *Times*, has recently laid down the same doctrine, more distinctly indeed, and quite *ex cathedra*, showing how rapidly these maritime pretensions gather strength from time and use. We can not, at this moment, refer to the number which contains this dictum, but it must have been that of the 6th or 7th of January, and will be found in *Galigiani's Messenger* of 10th January, extracted from the *London Journal*. After laying down the right of search for enemy's property and articles contraband of war, the *Times* continues: "It is, also, we believe, confessed, that if, in the course of search, we find the goods and persons of our enemies, such goods and persons may be made lawful prizes and prisoners; the law, however, being punctilious (!) enough to require, in the former instance, that the captors shall pay freight to the neutral carriers, of whose cargo they possess themselves. Now, during our wars with France, we exercised this uncontested and incontestable right against America and all the rest of the world, with this not very unnatural corollary, (!) that, as we might take the persons of the king's enemies, (a right given by the law of nations,) we might take the persons of the king's subjects, who had deserted their duty, (meaning thereby all speaking the English language,) and were serving in foreign ships," (a right totally unknown to and unrecognized by the law of nations). We shall continue our quotations from the *Times*, because nothing we could say would more forcibly describe the intolerable abuses of this pretension, and because, from the position and character of that journal, we have the best assurance that those abuses are not exaggerated:

"In the practical enforcement, however, of this right or wrong, for, on that point, it is not now necessary to pronounce, the searching party being, from the nature of the case, the strongest, and, *moreover, ordinarily speaking, persons of summary habits*, were apt to be somewhat arbitrary in their judgments of who was American and who was English, 'when they doubted they took the trick,' at least so thought and said the Americans; and any one may remember that, once taken and lodged in an English man-of-war, by right or by wrong, it was not a very easy matter to get out of it; and, accordingly, the Americans had to stay, with just as good a chance of being cut off by a French cannon ball, before he could get his right again, as any of his English fellow sailors." We pardon the frivolity of manner with which this

grave subject is treated, in consideration of the frankness of that journal, in the open avowal of a principle which can not fail to excite general reprobation, now the unnatural excitement of a long and bitter war has passed away.

A nation, which should tamely submit to such pretensions, would merit, as surely as it would receive, the contumely of the world.

The *Times* adds "that this dispute (of impressment) now sleeps, though it will have to be revived, at latest on the next occasion when we find ourselves invested by a war with the right of which it is the consequence; and indeed it might be raised upon the contemplated treaty, giving a mutual right of search for the prevention of the slave trade, unless provided for, as it easily might and probably would be, by special articles."

But here is the true key to much of the reluctance of the American government to become a party to any arrangement, which shall add to the category of the right of search; whether it is likewise the key to the pertinacity with which the British government presses this matter, we do not presume to judge. Until now the right of search has been a belligerent right, belonging only to a state of war. . . . Here is the first formal claim to exercise it in time of peace. Impressment is a municipal right, depending, say the English jurists, upon the mutual relation of allegiance and protection, and the duties which these reciprocally create. Ordinarily it is exercised in time of war only, but the government might authorize its exercise at all times, as the conscription is operative as well in peace as in war. And surely many cases may occur, where its exercise might be necessary to man a fleet, before hostilities were actually declared, but while they were considered impending. Under such circumstances, this new right of search, bringing a British boarding officer legally on board an American ship for a defined object, would enable him very conveniently, after satisfying himself she neither sought nor contained slaves, to seize her crew and reduce them to worse than African bondage; because to all their other miseries might be added the obligation to fight against the flag of their own country.

The *Scotsman* is not less frank than the *Times*; "the object of the one," says the former journal, alluding to the right of search as heretofore practised, "was to discover British sailors in American vessels, and practically gave our naval officers a power to impress seamen from the ships of another state."

So, having already maintained, under various vicissitudes, the right to seize American sailors in time of war, as a consequence of her belligerent right of search, if the present pretension is established, Great Britain can then seize them in time of peace, as a consequence of her pacific right of search, called *visitation*, and thus the marine of the United States will be an inexhaustible fountain, whence in peace and war she can seek her force.

But it may be said, and indeed the suggestion, as we have seen, is in the *Times*, that it is in the power of the American government to frame a convention, which shall exclude this process of impressment, and therefore the fear of its occurrence ought not to prevent the adoption of this check to an odious traffic. To this suggestion the answer is easy. The United States can enter into no stipulation, which can be tortured into a recognition of this doctrine of impressment. They can not provide for its restriction nor regulation. They can only accept a general declaration from the British government, that their flag shall protect their seamen, at all times and under all circumstances, and there is little reason to hope that the counsels of justice will so far prevail over those of interest, as to lead to such a measure.

Were it, however, adopted by the British government as the regulation of its future conduct, it would be hailed in the United States as the harbinger of a brighter day; as the cause and the precursor of an indefinite peace between two nations having so many reasons for union, and so few for separation.

In such an event, there would be little hazard in predicting, that a satisfactory arrangement might soon be made, by which the fullest co-operation of the United States would be obtained towards the suppression of the slave trade. The great difficulty being removed, a mutual spirit of conciliation would soon do the rest. But till then, the United States can not, in any arrangement giving reciprocally the right of search, with a professed view to the extinction of the slave trade, admit a stipulation, that the doctrine of constructive entrance should not apply, and that their seamen should be safe from seizure. Such a stipulation would soon be construed into an admission of this claim, under other circumstances, and to this the American government and people will never submit. With them it is a question of life and death. They went to war to oppose it, thirty years ago, when comparatively young and weak. And now, after having advanced in the elements of power with a rapidity unknown in human history, they will not be found wanting to their duties and honor in the day of trial. An American, at home or in Europe, may safely predict that the first man impressed from a ship of his country and detained, with an avowal of the right by order of the British government, will be the signal of war. A war, too, which will be long, bitter, and accompanied, it may be, with many vicissitudes; for no citizen of the United States can shut his eyes to the power of Great Britain, nor to the gallantry of her fleet and armies. But twice the republic has come out honorably from a similar contest, and with a just cause she would again hope for success. At any rate, she would try.

In the preceding discussion, we have spoken generally of the right of search, without being led aside by any distinction, founded upon the purposes, real or avowed, of those who exercise it. We have done so, because so far as regards the most obnoxious consequences to the United States, the liability of their seamen to impressment, it is obvious, and so indeed says the *Times*, that the exercise of this pretension, though not forming a just cause of entry, yet being its necessary result, it is perfectly immaterial, in its practical operation, whether the naval judge, "clothed with a little brief authority," but deciding summarily upon human liberty, boards the peaceful trader to ascertain her national character, or to inquire into the objects of her voyage. But besides this fundamental objection, it is evident, that no vessel can be liable to examination without some hindrance; that in all such cases there may be gross abuses, and that in many, these abuses will occur. The boarding officer will judge if her papers are regular, or if they are simulated, and if the accidents of the voyage and the nature and appearance of the cargo and equipment confirm these papers, or render them suspicious. Here is latitude enough for arbitrary vexation, and for interruptions which may drive an otherwise profitable commerce into less troubled channels. And these considerations are abundantly powerful to justify the United States in refusing their consent, both to the conventional arrangement proposed for the right of search to ascertain the objects of the voyage, and to the new doctrine, now first promulgated, of a right of search to ascertain if the proofs of the vessel's nationality are sufficient to justify her title to the flag she bears.

We can not better describe the little difference in its practical operation, which would be found between the right of search to ascertain the true character of a

vessel, and the right of search to ascertain the object of her voyage, than we find it done to our hands in the *London Sun*. One may be called a search, and the other a visit, but both will be found equally vexatious visitations. The passage of the *Sun* is striking, and we shall quote it:

"The Americans may very properly object to our right of search, and may still have a great inclination to suppress the slave trade; but, of the two evils, we have no doubt but the Americans would prefer the eternal existence of the slave trade to allowing their ships to be overhauled by our men-of-war. If they sanction the examination, for the mere purpose of ascertaining if a vessel, bearing the American flag, is bona fide an American vessel, they sanction a rigid examination of the vessel herself. The papers may be simulated. How is that to be proved? By examining the crew; by ascertaining that the cargo of the vessels corresponds to the manifest: by tracing her route in the log-book; in short, by subjecting her to a complete search. If that be not done, papers will be once produced, to correspond with the flag, and merely to prove that they do correspond, will be of no use whatever." The Americans are well aware of the insults and injuries they would subject themselves to by admitting this claim to visit their ships; and the *Morning Chronicle* does them egregious injustice when it represents their resistance to that claim as *grounded in unrighteousness*.

"The correspondence with the British Secretaries of State for Foreign Affairs, just published by the American government, comes marvelously in support of the remarks of the *Sun*, though received since those remarks were written. It gives to them almost the character of prophecy. The search of five American vessels is complained of by the American Minister—the Douglas, the Jago, the Hero, the Mary, and the Susan; and, in four of these cases, serious complaints are also made, that the crews were treated with indignity, and the cargoes overhauled and injured, and various articles taken away. As Lord Palmerston, in his answer to Mr. Stevenson, gives a summary of the complaints of that gentleman, in the case of one of these vessels, we shall quote the passage, as an illustration of the practical effects of this new claim, not having, unfortunately, Mr. Stevenson's letter on the subject within reach. And we embrace, with pleasure, this opportunity of tendering our thanks to that able American representative, for the spirit, ability, and dignity with which he maintained the rights of his country, during the arduous correspondence he carried on with Lord Palmerston and Lord Aberdeen. But to the summary. 'In these two communications from Mr. Stevenson,' says Lord Palmerston, 'it is stated that, on the 21st of October, 1839, Lieutenant Seagrand boarded the Douglas, while she was pursuing her voyage, on the coast of Africa, examined the ship's papers and the passengers' passports, broke open the hatches, hauled down the American flag, and seized the vessel as a slaver; that he kept possession of her during eight days, namely, from the 21st of October to the 29th of the same month; that the officers and men of the Douglas became ill from exposure to the sun, and that, in consequence, three of them died, and the captain is yet in ill health.' It appears, by another letter from Lord Palmerston, that the boarding crew were charged with consuming the stores and provisions of the Douglas.

"And, in a third letter from Lord Palmerston, which relates to the Mary, the character of the occurrences on board may be judged by this remark: 'proceedings, which, in Mr. Stevenson's opinion, seem to want nothing to give them the character of a most flagrant and daring outrage, and very little, if anything, to sink them into an act of open and direct piracy.'

"Lord Palmerston then proceeds to justify or deny all these charges, and then *they sleep the sleep of death.*

"As to the ill treatment of the crews, and the free use of the provisions and stores of the vessels, and, frequently, the subtraction of more valuable articles, (in one of these cases money, a chronometer, and a watch are stated to have disappeared,) all this is but an old story in the history of vessels boarding and boarded, as we have already had occasion to observe. How, indeed, can it be otherwise in the constitution of human nature and in the position of the parties? There is no check for the present, no responsibility for the future. The most rigorous discipline and the best disposition could not prevent abuse where a party of sailors enter the vessel of another nation, in fact, as masters, parade the crew, examine the papers, break up the hatches, overhaul the cargo, and feel themselves at free quarters, almost in an enemy's country. And when the disposition of the officers is bad and the discipline lax, all these evils are fearfully augmented. In the catalogue of naval wrongs endured by the United States during the long period of belligerent oppression to which we have referred, the injuries and abuses inflicted by boarding vessels figure in the front rank. What will they be hereafter, when this doctrine of universal search, under the guise of an inquiry into the nationality of vessels, becomes consecrated by time and usage, and is exercised as well in peace as in war?

"But, after all, what is this distinction which Lord Palmerston and Lord Aberdeen have discovered, and which is now to give to British officers the right, in a time of profound peace, to enter and search American ships? We are distinctly told, by both these statesmen, in their correspondence with the American minister, that they do not assert this claim of search with a view to ascertain the objects of a voyage, and to seize the vessel if found engaged in the slave trade. Both admit, in terms, that, her American character being once established, her cargo, whether men or merchandise, is beyond the reach of the armed cruiser, and that she must be permitted to prosecute her voyage, however nefarious its objects may be. But both equally contend that the flag at the mast-head, or the piece of *bunting*, as Lord Palmerston rather contemptuously styles this emblem of sovereignty, furnishes no evidence of national character, and shall furnish no protection against the entrance of British force; that they have a right to board all vessels upon the ocean, examine their papers, and satisfy themselves respecting their nationality. Lord Aberdeen, indeed, consoles the government of the United States by the assurance that their vessels are not entered as *their vessels*. 'Nor is it as American that such vessels are ever visited.' Poor consolation this. *If Tom is knocked down in the streets, it is little comfort to him to be told, I did not knock you down as Tom, I knocked you down as Jack.* The answer to all such pretensions is very simple, and can not have escaped the sagacity of the British statesmen, who have resorted to this strange process of justification. You commit the act at your own hazard. If you enter a ship or knock down a man, believing the ship or man is not what appearances indicate, and your suspicions being correct, if the law, international in one case, national in the other, gives you the right to use this violence, then you may avow the act and justify it. But, if you err in these premises, you are responsible for the consequences."

The municipal law of every country is filled with illustrations of this principle. It is common sense applied to the affairs of men in their social relations as members of an organized community; applied to the affairs of nations in their commercial intercourse with one another upon the ocean, it is the same common sense, then called public law. If a father or master meet his son or servant, he has a right to

examine him to ascertain if he is violating his orders. This we may call *the visitation of persons*. The right can not be denied. Now, the son or servant may disguise himself, and assume the appearance and dress of a son or servant of a neighbor, it may be his livery; but does this possibility of abuse give the superior the right to stop in the streets all persons he may choose to suspect, with or without cause, to be his son or servant, and not even violating the law of the country, but his own domestic law? Certainly not. If he examine forcibly, he does so at his peril. Borne out by the result, he is but in the exercise of his right. Deceived, he is a trespasser, and responsible for his conduct.

We consider it unnecessary to pursue these illustrations further. It would be but a work of supererogation.

PART III.—THE PROCESS BY WHICH THIS DOCTRINE OF RIGHT TO SEARCH AND SEIZE IS ATTEMPTED TO BE MAINTAINED—THE CORRESPONDENCE OF THE BRITISH SECRETARIES OF STATE FOR FOREIGN AFFAIRS ANALYZED.

What, then, is the process by which this new principle is attempted to be justified and maintained? Lord Palmerston thus lays down the doctrine, which is henceforth to become a part of the great maritime law: *The United States Flag, or bunting, as his lordship calls it, shall exempt no vessel, (whether American or not,) from search, except "when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States property, and navigated according to law."* And with a view to ascertain if she is entitled to the flag she bears, and if she is sailing *according to law*, a right of entry is claimed for every British cruiser into every American vessel, wherever they may meet. And this right of entry is called not a search, but a visit.

Lord Palmerston, it will be remarked, lays down as a part of the principle, that a vessel must be sailing according to law, that is, for a purpose not prohibited by law, and Lord Aberdeen, who shows more regard for *bunting* than Lord Palmerston, concedes that, "doubtless the flag is *prima facie* evidence of the nationality of the vessel." A strange designation this, by the by, for a national pavilion, and we had almost said, a profane one, to be applied by an English statesman, the Minister of a country whose *meteor flag* is associated with so many glorious recollections, and apostrophized in so much glorious poetry. And after all, this emblem of sovereignty and accompaniment of victory, is but a piece of *bunting*! Alas! for the prestige of great names, when reduced to this matter-of-fact standard.

It will not be denied, that this is the first solemn occasion upon which this pretension has been put forth to the world. No elementary writer has advanced it, no jurist has asserted it, no judge has ruled it. The universal exemption of all vessels in time of peace, "from search or visitation," the very words, as we have seen, of Lord Stowell, has heretofore been an uncontested and incontestable principle of the law of nations, and he added the authority of his decision to the opinions of his predecessors, the commentators upon the great code of maritime law. When, therefore, the two British statesmen, who have assumed, or upon whom has fallen the

task of interpolating this new principle into that code, or as the *Times* would express it, *who are working the way for the new law*, undertake to justify this pretension by argument, preparatory to its being maintained by force, we may fairly call upon them to establish their position by undeniable proofs, or by the clearest illustrations. The burden of discussion is cast upon them, while the nations of the earth, at the same time judges and parties, are watching the progress of the controversy, anxious, it may be, to see if this new step, as the *Times* may well term it, is to be attended with a new *struggle*, and if both are to be gained, as so many have been gained before them.

In carefully analyzing the correspondence, the arguments in support of this claim may be briefly summed up in these: Without it flags may be sometimes abused. Without it English cruisers may sometimes be prevented from boarding their own vessels, and thus the municipal laws of England may be violated. Without it the treaty stipulations for the suppression of the slave trade can not be so well executed, as with it. And the traditions of the British navy, and Lord Aberdeen believes, of other navies, are in favor of its assertion. This is a brief summary of the defense of the measure.

As to what may be termed the quarter-deck law, we shall dismiss it with a very cursory examination. Mr. Stevenson calls in question the exactitude of the fact, at any rate to the extent to which it must reach, in order to support such a claim as this. That vessels may have been overhauled and entered in time of peace, under peculiar circumstances, we do not doubt. But it is evident that this practice has never prevailed in any considerable degree, most certainly not sufficiently so to render it authoritative, as otherwise it would have given rise to examination and consideration among the elementary writers, and to discussion among the governments which, from time to time, must have been affected by it. No trace of this appears, and the conclusion is inevitable that its use has never been established, nor its abuse sufficiently prevalent nor serious to render it the subject of diplomatic intervention.

If Great Britain had, as she has not, in the exercise of her naval strength, pushed this usage beyond the point we have indicated, certainly it would be with a bad grace, she would claim that her own violence should be written down in the law of nations, and constitute the rule for their future government. We go farther; vessels will, no doubt, be hereafter spoken and entered, and no one will complain, because no indignity will be intended, nor will any injury be done. Strictly speaking, a trespass may be committed, but the matter will pass off, without exciting the least sensation, either among the parties or their governments. How different this is from a claim to enter and search all ships, at all times and in all places, we leave to the common sense of mankind to judge. We say in all places, because, though one half only of the Atlantic ocean is tabooed, (as the South-sea islanders express it,) at the present moment, yet the same power which has laid this interdict upon a part of one of the mightiest works of God, may extend it, as soon as its interests dictate, from pole to pole, and from east to west. If that is not already done, it is not that the principle is not sufficiently elastic to cover such a space, but only, that the *time of harvest has not yet come*. We are aware of our offense against the canons of criticism in the metaphor, but we may be pardoned the trespass, in consequence of the force of the illustration. . . . With respect to the abuse to which the claim of immunity, made by the United States for their vessels, may be liable, it is not difficult to show, how greatly it has been exaggerated. This seems to be the favorite

argument of Lord Palmerston, and is repeated, under a somewhat different view, by Lord Aberdeen. Both these statesmen appear to think, that the United States claim a perfect immunity for all vessels bearing their flag, and as an illustration of the absurdity of such a pretension, Lord Aberdeen asks Mr. Stevenson, if he supposes the government of Great Britain would permit "British vessels and British capital to carry on, before the eyes of British officers, this detestable traffic, etc., by hoisting the American flag.

This conclusion is no corollary from the premises laid down by the United States. They advance no such pretension. It is the immunity of their own *bona fide* vessels, they seek to secure. They do not deny to the cruisers of all the powers of the earth, the right to enter and search each the vessels of their own country, which may concede the privilege, though the flag of the United States may fly at all their mast heads. But they do deny the right of any such cruisers to search *their* vessels, and here lies the *root* of the whole matter. Certainly, if a British or French frigate encounters a vessel at sea, which is most assuredly a British or a French vessel, endeavoring to conceal her nationality, under the American flag, such frigate is justified in boarding her, and in disposing of her as the laws of her country may provide. But this is done at the risk of the boarding ship. If the result proves that the suspicion was well founded, then the commanding officer will be scathless. He will have done his duty to his own government, and no injury to another. But if he has suffered himself to be deceived, then he has violated the rights of a foreign power, and his sovereign must be responsible for the consequences. He may still have done his duty to his own government. That will depend upon the strength of the evidence upon which he acted. But he has committed an injury against another, and for that injury, atonement may be demanded. But here we come to the practical operation of these general principles, and it is that branch of the subject alone which is worthy serious consideration.

The two British statesmen attempt to support their position by pushing principles to their extremes. This may do in the schools, but its place is not in active life, and, least of all, in the affairs of nations. A British officer meets a vessel bearing an American flag, but which he has the strongest reasons to suspect to be British, and engaged in the slave trade. He boards her, conducts himself with perfect propriety, ascertains his error, and retires, without committing any injury. He is a trespasser, but no government would ever think of complaining in such a case. A perpetual right to stop, to search, and to seize is one thing; a casual act of trespass, conceded to be such, excused by peculiar circumstances, and immediately acknowledged and atoned for, is another. The latter may be pardoned. The former is intolerable. The commander of the boarding vessel is precisely in the condition of a sheriff's officer, who, with a writ against A, arrests B. Now, on a trial in an action of trespass, which B might institute for this assault and battery, what would be the measure of damages which an intelligent jury would apply to the case? They would adopt precisely the same rule we have already laid down, in the case of the commander. If the officer had strong reasons to mistake the identity of B, and to suppose he was A, and if he had conducted himself with perfect propriety, and had really committed no injury, he would be dismissed with nominal damages; damages, which, while they asserted the great principle of liberty, would be yet perfectly valueless in their amount, leaving the ill-advised complainant to pay the costs. Such is the illustration of our maritime subject. In this manner the principle is saved, and flagrant abuses prevented. And why the naked principle is incalculably valuable to the

United States, is obvious. Upon it turns the claim of impressment. The exercise of that claim, as we have seen, is the consequence of a legal right of entry. So long as this entry is illegal, so long the American seamen are, by British confession, safe from British power. We may illustrate this principle still further, and it is well to do so, because Lord Aberdeen pushes the immunity even to the protection of piracy, and some of the English journals have expressed a very patriotic fear of that result. Let us examine this matter. The cruiser of a civilized power approaches a region where a pirate is known to have recently been committing depredations. His appearance is described, and he is anxiously watched. A vessel, with the flag of the United States, heaves in sight, and she bears a great resemblance to the corsair. She is entered, and the mistake is discovered. The act would be pardoned, and, especially, as the crime is proscribed by the law of nations—a law which all powers should support and enforce. And it would not be difficult to suppose a case, where the public ship of a nation might be attacked, and under such strong presumption of her being a pirate, as to excuse, though not to justify, the aggression. When piracy was prevalent in the West Indies, some years since, the smaller vessels of the American squadron employed in its suppression, were often disguised to deceive the pirates. If one of them had been mistaken by a French or British frigate for a piratical cruiser, she would have been attacked, but the matter would have been amicably arranged, as was the controversy respecting the action between the American frigate, the “President,” and the British sloop-of-war, the “Little Belt,” which occurred in profound peace, but was the result of mutual misunderstanding. Now Lord Palmerston and Lord Aberdeen do not claim the right, in time of peace, under any circumstances, to search a vessel of war, in order to ascertain her nationality. Here the *bunting* rides inviolate. But does it follow that, because a pirate hoists the flag of a Christian power, and assumes the appearance of one of her armed ships, he is therefore beyond the reach of his pursuers? Or that all the French vessels of war upon the ocean may be searched by a British ship, because the latter chooses to *suspect* they are pirates? Such pretensions would be absurd. The public vessel is inviolable in principle by universal consent, as the private vessel was till this pretension arose. The immunity of the one has not prevented the suppression of piracy, nor would the immunity of the other prevent the suppression of the slave trade. Neither ought to be forcibly entered by a foreign power, but, if their guise is assumed, and in such a manner as to deceive the honest cruiser, circumstances might occur to justify him in attacking the one and in entering the other.

But pursuing the analogy and pushing the principles, as Lord Palmerston pushes it, it is evident that, if the possible abuse of their flag, for the purpose, among other things, of carrying on the slave trade, is a proof that the merchant vessels of the United States may be stopped and searched, then their armed ships may be also stopped and searched, or every corsair, who may, in like manner, hoist their flag, may roam the ocean untouched. We leave the dilemma where the argument originated. With our views there is no difficulty. These we have sufficiently explained. Piracy has been put down without any violation of the freedom of the seas, or of the independence of the nations. The slave trade may be put down also, with the same sacred regard to those great principles. If occasional trespasses are committed in obtaining the one object or the other, let these be judged as they arise. *Sufficient unto the day is the evil thereof.* Let violence not be encouraged and shielded in advance, and one of the best works of man—the *code of opinion*—by which the strong is restrained and the weak protected upon the ocean, be broken up, and its fragments scattered to the wind.

We come now to the consideration of this principle as the British statesmen lay it down, and more particularly in its application to the slave trade. We have seen that Lord Palmerston, who certainly expresses himself less guardedly than Lord Aberdeen, qualifies his general *postulatum* concerning the search of the vessels of the United States by this limitation, that there must be *circumstances justifying the suspicion that they are not American property*, and that their voyages are *illegal*. Lord Aberdeen goes farther. He claims no right of search, "except under the most grave suspicions and well founded doubts of the genuineness of its (the vessel's) character." And he, too, requires that the object of the vessel should be "illegal."

The most grave suspicions and well founded doubts of what, Lord Aberdeen? Of violating your municipal laws? If that proposition is meant and can be maintained, then England is much nearer universal domination upon the ocean than the most jealous observer of the maritime "steps" has ventured even to insinuate. She has only by statutory provision to declare, as she already declares in principle, that the employment of her native born subjects in the American marine, military or commercial, is illegal, and she can then enter the ships of the United States, and seize their crews, without resorting to the sophism, (we speak as a logician, not offensively,) which actually casts an air of ridicule upon the grave question, and by which the true object is attained under a pretended one.

She has only to declare piratical the transportation of the merchandise of France, as she has declared piratical the slave trade, and then every French ship sailing the ocean, and every other one, indeed, may be stopped and searched, to ascertain if they carry the wines of Bordeaux, the silks of Lyons, or the rich and elegant manufactured articles of Paris. From such a search, to seizure and condemnation is but another step; and the tri-colored *bunting* of France, and the striped *bunting* of the American Union might disappear from the face of the seas.

Let no man say that such things will not happen. Upon this subject we can no more assert what is probable, than we can predict what will happen. No step in this onward progress can be more irreconcilable with common right and common sense, than was the proper blockade of half Europe, without even the pretense that this interdict was supported by an armed vessel, if it were but a gun boat, to watch one hundredth part of the coast thus pronounced to be hermetically closed.

But what constitutes this *illegality*, we are nowhere distinctly told. Indeed, the whole reasoning of Lord Aberdeen, upon this branch of the subject, is marked with a confusion certainly not the characteristic of that accomplished statesman, but the result of the position he felt it his duty to take. He says, in one part of his dispatch, "that the present happy concurrence of the states of Christendom (Qu. some of the states of Europe?) in this great object, not merely justifies, but renders indispensable the right now claimed and exercised by the British government." This, it will be observed, was written before the conclusion of the late treaty between five of the European powers, upon this subject, and therefore has relation only to the previous isolated treaties; though that circumstance, in our view, whatever it may do in that of Lord Aberdeen, changes nothing in the rights of the parties to this controversy. That all the powers of Christendom have not conceded this right of search will not be disputed; for we suppose the United States may fairly claim to belong to that great brotherhood of nations. Is it possible Lord Aberdeen means all his words clearly express? Will he openly assume the principle, that the concurrence of some of the powers of Europe, great or small, in a *measure*, even when avowedly and specifically confined to themselves, immediately

and *ipso facto* changes the law of nations, and sanctifies the principle of this new measure? If some future Napoleon should arise, and by a general continental convention, attempt to exclude England from the markets of the world, would this act of violence become legal? Would it impose upon that country the moral duty of submission, because the "happy concurrence of some of the states of Christendom in the great object" had not only legalized, but had rendered the process by which their decree was to be enforced, not merely justifiable, but indispensable? This is no reasoning for the nineteenth century, and we can no longer occupy ourselves with it.

If the right of search is here placed, as we see, upon the obligation created by the partial treaties for the suppression of the slave trade, there are passages in the dispatches of both Lord Palmerston and Lord Aberdeen, where it is placed upon the municipal law of England. These are to be found where Lord Aberdeen invokes the necessity of examining American ships, to ascertain if they are not "British ships with British capital," carrying on a traffic "which the law (the municipal law of England) has declared to be piracy." And Lord Palmerston says, that without the right of searching American vessels, "even the laws of England might be set at defiance by her own subjects." And so they may be evaded in a thousand ways, and have been evaded by means furnished by ships, both English and foreign. And why confine this claim of search to the evasion of the laws, respecting the slave trade? Why not extend it to all cases which may happen, and stop and seize upon the ocean all vessels suspected, or pretended to be suspected, of aiding in such evasion? And why should not a French cruiser overhaul and search any merchantman, foreign as well as French, which, it may be pretended, has on board a young conscript fleeing from the conscription? This branch of the discussion has already extended too far. We do not believe it is necessary for any intelligent reader that we should farther push the refutation of the pretension, that a British boarding crew may enter any American ship she meets, with a view to give effect to the British laws. That time may come, and perhaps will come, if this step is gained. But before then, many strange events may come to pass.

But it will be seen, also, that this illegality which we are in search of, is created, not only by treaty stipulations and municipal laws, but by the law of nations. To the last authority the United States avow their entire submission, and what that ordains they will cheerfully obey. Lord Aberdeen says, that the fraudulent abuse of the American flag "constitutes that reasonable ground of suspicion which the law of nations requires in such a case." Let Lord Aberdeen put his finger upon that part of the law which applies to "such a case," and all opposition to the pretensions of his country is at an end. But it is the fair provision which is demanded, and not a substitute, created by a false analogy. This doctrine is not to be supported by transferring to this subject principles and practices applicable only to a state of war, and to acts which are then "illegal" by the unanimous consent of mankind.

But, after all, supposing the law to be as laid down, that American vessels may be searched because their voyages may be sometimes "illegal," what are the circumstances which justify the exercise of this measure, agreeably to the British doctrine? We repeat the rule, as stated by Lord Aberdeen. No vessel bearing the American flag ought to be visited by a British cruiser, except "under the most grave suspicions and well founded doubts of the genuineness of its character." What is the practical application of this rule? Why, American vessels are visited, in the

language of Lord Aberdeen, "in certain latitudes and for a particular object." That is to say, their very appearance in "certain latitudes" is a "grave suspicion," and thence follows the entry, the detention, the search, and, it may be, the seizure! If this is not reversing the natural order of things, and casting the burden of proof upon the injured party, we confess our inability to understand the subject. This amounts to a complete blockade of the great Southern ocean, from Rio Janeiro to the Bight of Benin. How long it may continue, and how much further it may extend, we leave to history to tell.

PART IV.—THE AFRICAN SLAVE TRADE, AS PIRACY, CONSIDERED.

There is a tendency in the communications of both the British Secretaries of State for Foreign Affairs to consider the African slave trade as piracy. This point established, and all opposition to this claim of search, in cases *bona fide* suspicious, would cease. Lord Palmerston speaks of "slave trading pirates," and Lord Aberdeen of "piratical adventurers."

But this is loose language, except so far as it has reference to municipal laws. The slave trade is nefarious, unjustifiable, and ought everywhere to be proscribed and rigorously punished. But it is one of that class of acts whose criminality depends upon the laws of different countries. A nation or a combination of nations may call it piracy, and apply to their own citizens the punishment usually prescribed for that crime. But this change of names changes nothing in the nature of things, and piracy is now, by the law of nations, what it has been for ages past.

As to the *status* of slavery itself, it were idle to contend it is illegal by the common consent of mankind. It has existed since the earliest ages of the world, and there is probably no nation, ancient or modern, among whom it has not been known. By some, it has been abolished, and where it yet survives we hope its condition has been meliorated. This is certainly true of the United States. A general disposition is gaining ground to improve the situation of this unfortunate class of society. This is felt in the Southern States of the American confederacy as well as elsewhere, and he who should judge of the treatment of the slaves in that region, by their treatment in the West India colonies, would do the Southern planter egregious injustice. The best proof of this assertion is the fact, disclosed by the statistical tables published by the American government, that in some of the slave States the slaves increase faster than the white population, and another fact, not less significative, is the rate of their natural augmentation. This is found to be between twenty-five and thirty per cent. in each decennial period. A very respectable countryman now here, in whose statement we place full confidence, has just informed us, he has examined the subject, and finds, though there are more than fourteen millions of free white persons in the United States, and but two millions and a half of slaves, yet the number in the latter class, over one hundred years of age, is almost double that in the former.

We are no slaveholder. We never have been. We never shall be. We deprecate its existence in principle, and pray for its abolition everywhere, where this can be effected justly and peaceably, and safely for both parties. But we would not carry fire, and devastation, and murder, and ruin into a peaceful community, to push on

the accomplishment of that object. But after having visited the three quarters of the old continent, we say before God and the world, *that we have seen far more, and more frightful misery, since we landed in Europe, and we have not visited Ireland yet*, than we have ever seen among this class of people in the United States. Whatever may be said, there is much of the patriarchal relation between the Southern planter and the slave. And as to the physical distress which is seen in Europe, resulting from a want of food, and from exposure to a rigorous winter without adequate clothing, we believe it to be so rare, as not to form a just element in the consideration of this matter. But the subject of the emancipation of two millions and a half of human beings, living among another population, of different race and color, and with different habits and feelings, is one of the gravest questions which can be submitted to society to solve. It can be safely left only to those who are to be so seriously affected by it; and there it is left by the Constitution of the United States. It is a matter with which the general government has no concern.

And so with respect to the slave trade. It is a traffic which can be traced back to the time of Jacob, whose son was sold into Egypt; and down, in some form or other, during the successive ages which have intervened, to the last century, when by treaty arrangements with Spain, England obtained, as a great commercial favor, the privilege of supplying the Spanish colonies with slaves,* and to the present, when, after many years of bitter opposition, the English Parliament voted the abolition of the slave trade, but when some of the greatest names† in England were found in the minority. These statesmen by their votes not only pronounced the slave trade to be legal and expedient, but *moral*, also, so far as that consideration formed, at that time, a motive of legislative action. That it is illegal, by the great code of public law, no statesman, nor publicist, or well informed man, will seriously contend. Thanks to the advancing opinions of the age, its atrocity is generally acknowledged, and the obligation of Christian states to extirpate it, almost everywhere felt and obeyed. But it is not permitted, in order to attain a great good, to commit a great evil. In order to break up the traffic, to break down the barriers which centuries have been rearing, and by which the weak are everywhere protected against the strong, the peaceful against the warlike; the law of nations is but general opinion, illustrated by able jurists, and sanctified by time, and by universal acquiescence. Touch it rudely, and the whole fabric will disappear, leaving the nations of the world, in their mutual relations, as they existed in the most barbarous age.

Most wisely and most impressively, therefore, did Lord Stowell say, "No nation has the right to force their way, for the liberation of Africa, by trampling upon the independence of other states, on the pretense of an eminent good, by means that are unlawful; or to press forward to a great principle, by breaking through other great principles which stand in their way."

* The first article of the treaty of Madrid, of 26th March, 1718, is thus conceived: Whereas the assiento which was formed with the Company Royal of Guinea, established in France, to furnish negro slaves for the West Indies, has expired, and the queen of Great Britain wishing to enter into this commerce, and in her name the English Company, etc.

† In looking over Clarkson's History of the Abolition of the Slave Trade, we find that the cabinet of Mr. Pitt was divided upon this subject, and that the sincerity of that distinguished man in the support of it was generally doubted. And Clarkson states, that from the known sentiments of the king, the veto of the bill was feared. Among the opponents we find the Duke of Clarence, (afterwards William the Fourth,) who called the supporters of the bill fanatics and hypocrites. Lords Thurlow, Rodney, Sheffield, Eldon, Saint-Vincent, Liverpool. Sidmouth, (who was Mr. Addington,) Hawksbury, (who was Mr. Jenkinson,) Mr. Dundas, Colonel Tarleton, Major Scott, etc.

Words of deep wisdom and of solemn warning; and lamentable is it, that their obligation has scarcely outlived the able and venerable judge by whom they were pronounced. And above all is it to be deplored, that the first public practical disavowal of these sentiments should come from a country whose law they were ruled to be.

We have already adverted to the opinion of the Duke of Wellington, in connection with that of Lord Stowell. This we did from memory; but at the moment of writing this part of our remarks, we have been enabled to refer to a debate in the House of Lords, 10th July, 1839, where his sentiments are fully disclosed. With that spirit of frankness and sagacity which are not the least eminent among the qualities of that eminent man, he predicted the issue to which this pretension must lead. He said, "the clause in question made it lawful to detain any vessels whatever, on suspicion on the high seas, and demand their papers; and the persons exercising such authority, were moreover indemnified for all the consequences. Was it intended that the vessels of any power in Europe might be searched, and afterwards allowed to proceed on their voyage, whether we had treaties with those powers or not? Such a law would be a perfect novelty in the legislation of this country, and the House ought to well pause before they adopt it."

Again, on the 15th August, the duke remarked: "It was well known that with the United States we had no convention; there were, indeed, engagements, made by diplomatic notes, but nothing went to show the least disposition, on their part, to permit the right of *detention and the search of papers*; and if there was one point more to be avoided than another, it was that relating to the *visitation* of vessels belonging to the Union. He warned government not to proceed, but rather to issue an order in council or a declaration of war."

We quote the remarks of Lord Brougham, because they are equally honorable to himself, to truth, and to the American government. "It could not be disguised that we were peculiarly situated with respect to the United States, because we had not affected any treaty conferring such right of search. It should be borne in mind that the United States, at the very earliest period they were enabled to do so by the Federal Union, had adopted the abolition of the slave trade, and were, in fact, the first to make it piracy for any one of its subjects to carry it on. The government of the United States was not so strong as a monarchical government, nor had it such direct and powerful means of controlling its subjects." And he remarks, with respect to the sale of American ships to persons carrying on the slave trade: "but the people might not, after all, be answerable for the purposes to which they were devoted, not more so, certainly, than an English shipbuilder who sold vessels, constructed in his yard, which were afterwards dispatched to the coast of Africa."

We shall not add a word to the authority of these high names. Their decisions need no commentary from us.

PART V.—WHAT THE UNITED STATES HAVE DONE TO PUT DOWN THE SLAVE TRADE—THE CONSEQUENCES OF PERSISTENCE IN THE RIGHT OF SEARCH BY ENGLAND.

Keeping in view the preceding course of discussion, it is obvious that, upon the principles heretofore received among mankind, if the United States should peremptorily refuse all co-operation in any effort to put down the slave trade, they would

be responsible only to the public opinion of the nations, and to Him by whom nations rise and fall. "It would be but the consequence," says the *London Sun*, "of our former proceedings, which have made it impossible for the Americans to admit the claim. By committing injustice on our own people, we have bred up our officers to arbitrary habits, which have made them arbitrary to other nations, and the consequences debar England from following out her humane wishes to suppress the slave trade." But the United States refuse no such co-operation. They have interdicted, as we have seen, this trade to their citizens, and have provided exemplary punishments for the transgressors. They have, for many years, kept a squadron upon the coast of Africa, to aid in its suppression, and they are now making arrangements for its augmentation. We do not affect to deny that a general right of search would assist the objects which all Christian powers are seeking to attain. It would be an additional means of detection. But such a right is not at all indispensable to success. Much has already been done, and the work is going on now. It would be greatly promoted if the markets, in countries to which slaves are yet transported, were closed to this traffic. If these unhappy victims of lawless violence could not be sold, they would not be bought. Let a general effort be made with the Spanish, Portuguese, and Brazilian governments, to induce them to act vigorously in this matter, by judicious municipal regulations faithfully executed, and a powerful means of success will be put in motion, without "breaking down the great principles which now stand in its way."

That the efforts to suppress the slave trade may be rendered, without the adoption of this obnoxious measure, is evident, from a suggestion in a London journal, which, with just feeling, seeks to avert the impending consequences of this claim of search. This journal proposes that an officer of the British and American navies shall reciprocally sail in one of the cruisers of the respective nations, and that such officer shall exercise the right of search, in the vessels of his own country, thus ascertaining their character and objects, and seizing them, when guilty, without any violation of the rights of sovereignty. We do not stop to examine this proposition; we merely allude to it to show, that in a spirit of accommodation, means may be found to reconcile all *avowed* objects with national dignity and independence. Such a plan would possess one advantage. It would be truly reciprocal; whereas the proffered power to search is but the mockery of a reciprocity toward the United States, whose institutions never will permit impressment as a means of manning their navy. While, therefore, the British officer enters to search and impress, and the American officer enters to search, the inequality is too glaring to need illustration.

But, after all, what kind of philanthropy is that which seeks not merely to put down the African slave trade, but to put it down by the employment of one means among many, and which means, if persisted in as threatened, will as surely involve two great nations in war, as to-morrow's sun will rise upon both? And who can tell the issue of such a war, not merely to the parties themselves, that we shall not touch, but to the civilized world? Who can tell the questions of maritime right which will arise during its progress, and of maritime wrongs which will be inflicted? Who can tell how soon its sphere will be enlarged, and the oppressions of Africa be lost sight of in the struggles of Europe and America?

It is strange, indeed, but so it is, that one of the modes proposed for the liberation of the negro from the traffic of his flesh and blood, will necessarily lead to the bondage of the American seaman; where his flesh and blood are not indeed sold,

but where they are taken without price, and may be swept away by the cannon of his own country. "When they doubted they took the trick"—words which all Americans should grave upon their hearts. We may safely appeal to any generous Englishman and Frenchman, and ask what would be their sensations if told, *yes, we do seize your citizens, we will seize them; when we doubt, we take the trick.* Let each answer for himself, and that answer will disclose the feelings of the Americans; for this trick it is a man, an American citizen. By and by, after *law shall have worked its way far enough, the trick may become a French citizen*, and what sort of a struggle will come when that step is taken?

But should the United States yield to this claim, what security is there for them, or for nations like them, interested in the freedom of the seas, that it would not be followed by another and another pretension, till the British flag rode triumphantly over the waters of the earth? How far is to be pushed this crusade of benevolence, which would involve east and west in one common calamity, in order to attain, in its own way, an object which must come, and that speedily? There are significant signs abroad that this is but the commencement of a system, destined to a wide extension. Already the project has been publicly discussed in England, of putting a stop to slavery by putting a stop to the sale of its products. It has been supported in the journals, and advocated, we believe, in Parliament. The scheme has not yet ripened into a plan. But benevolence is sometimes *shrewd*, as well as active, and the proposition, so far, is merely to interdict the sale of these products in England; yet who can tell how soon the question may enter, in an improved form, into the maritime code of nations? It would be but another step, and though it might be accompanied by another *struggle*, leading to universal war, what cares the philanthropist for this? *Law would work its own way.* Slavery is wrong as well as the slave trade. We can not enter upon the territory of another nation, to suppress it. But we will seize its products upon the ocean; they shall become contraband of peace; no cotton, rice, coffee, sugar nor tobacco, not the product of free labor, shall be lawful freight. And thus the object being just, the means must be just also.

But here we drop the discussion, leaving every reflecting man to draw his own conclusions. Most sincerely do we hope that Lord Ashburton carries out, to the American government, some modified proposition it can accept. But we freely confess, looking to the pretensions of both parties, and knowing the feelings of our countrymen, that we do not see upon what middle ground they can meet. Our fears are stronger than our hopes; and sad will be the day when two such nations go to war. Even if England were clearly right, as in our opinion she is clearly wrong, she might forbear much, without any imputation upon her honor. She has won her way to distinction by a thousand feats in arms, and, what is her better title to renown, by countless feats in peace: triumphs of genius, of skill, of industry, and of enterprise, which have gained her a name that the proudest may envy, and that few can hope to equal. She has given birth to an empire in the west; an empire whose extent and duration it passes human sagacity even to conjecture. There are planted her laws, her language, her manners, her institutions. A thousand ties of interest unite these kindred people. Let England cherish this as her most glorious work; but let her recollect, too, that a spirit equal to her own animates the republic, and, though she may be crushed, she will not be dishonored.

CHAPTER XXVII.

General Cass Protests to the French Government—Notifies the Secretary of State—Treaty not Ratified
—His Course Approved by the President—The Protest to the French Government.

On the fourteenth of February, 1842, General Cass left at the office of Foreign Affairs, his protest against the proposed treaty. It was warmly approved by his countrymen, and the national administration at Washington, although differing in political views, acknowledged the eminent services rendered by him. It is American in tone and sentiment, and worthy of its author. Having taken his stand before the people of France, he could do no less than place among the archives of the legation and of the French government, his disclaimer of the right of Europe to make the proposed combination, and his remonstrance thereto. Although he did not yet know the views of his government, he felt that his duty lay in this direction, and he took the responsibility entirely to himself. It is too intimately connected with the appeal, to be separated from it in a history of his life. The two go together, and should be kept together, to appreciate truly his position and feelings on this occasion.

On the fifteenth of February he officially advised the Secretary of State of his proceedings, and enclosed copies of the appeal and the protest, and in this communication he fully reports the progress of this affair. He reminded the Secretary of State that he was in the midst of stirring circumstances, and could form a safe judgment of the dangers which menaced the American government, and pressed upon the notice of the Department the necessity of instant and extensive arrangements for offensive and defensive war ; all other questions, personal, local, or political, should give way before this paramount duty; and that, for aught he knew, a hostile squadron might carry to the United States the first news of war. He admitted that, perhaps, his appeal to the French nation might not be regarded as a very diplomatic dispatch. "It is not so, certainly, so far as diplomacy consists in mystery, either

of thought or expression," said the General. "I have felt strongly, and I have attempted to speak plainly. I do not belong to the school of that well known French statesman who said, 'that language was given to conceal thoughts.' I must claim your indulgence for my candor, in consideration of my motives. I see the difficult position of my country, and most anxious am I that it should be seen and appreciated at home. That done, I have no fear for the result."

On the thirtieth of April he apprised the Department that the quintuple treaty, purporting to be for the suppression of the slave trade, had not been ratified by France, and, from all indications, he thought it would not be, and at the same time intimating that he had not then heard from his own government on this subject.

On the seventeenth of May, he acknowledged the receipt of Mr. Webster's dispatch, containing the gratifying information that his conduct was approved; and on the twenty-sixth of May, he advised the Department that the treaty had been discussed in the Chamber of Peers and in the Chamber of Deputies, and the sentiments expressed were unanimously against the measure, and that the exciting subject was at rest.

"LEGATION OF THE UNITED STATES, }
"PARIS, February 13th, 1842. }

"SIR : The recent signature of a treaty, having for its object the suppression of the African slave trade, by five of the powers of Europe, and to which France is a party, is a fact of such general notoriety, that it may be assumed as the basis of any diplomatic representations which the subject may fairly require.

"The United States, being no party to this treaty, have no right to inquire into the circumstances which have led to it, nor into the measures it proposes to adopt, except so far as they have reason to believe that their rights may be involved in the course of its execution. Their own desire to put a stop to this traffic is everywhere known, as well as the early and continued efforts they have adopted to prevent their citizens from prosecuting it. They have been invited by the government of Great Britain to become a party to the treaty, which should regulate the action of the combined governments upon the subject. But, for reasons satisfactory to themselves, and I believe satisfactory to the world, they have declined this united action, and have chosen to pursue their own

measures, and to act upon their own citizens only, without subjecting these to any kind of foreign jurisdiction.

"In a communication from Lord Palmerston, her Britannic Majesty's principal Secretary of State for Foreign Affairs, to Mr. Stevenson, the American Minister at London, dated twenty-seventh August, 1841, Lord Palmerston claims a right for the British cruisers, and avows the intention of his government to exercise it, to search American vessels at sea in time of peace, with a view to ascertain their national character. He adds, that 'this examination of papers of merchantmen suspected of being engaged in the slave trade, even though they hoist the United States flag, is a proceeding which is absolutely necessary that British cruisers, employed in the suppression of the slave trade, should continue to practice,' &c., &c.

"In a communication from the successor of Lord Aberdeen, to Mr. Stevenson, dated October 13th, 1841, the views and determination announced in the first are confirmed; and Lord Aberdeen thus states the ground upon which rests this pretension to search American vessels in time of peace: 'But the undersigned must observe that the present happy concurrence of the states of Christendom in this great object, (the suppression of the slave trade,) not merely justifies, but renders indispensable, the right now claimed and exercised by the British government.' That is to say, the right of entering and examining American vessels, to ascertain their nationality.

"It is no part of my duty to offer any comments upon this pretension, nor upon the reasons advanced in support of it. And if it were, I should find the duty far better performed for me than I could perform it for myself, in the annual message of the President of the United States to Congress, of December 7th, 1841. In that document will be found the views of the American government upon this subject, and it is there emphatically declared, that 'however desirous the United States may be for the suppression of the slave trade, they can not consent to interpolations into the maritime code at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code, and when we are given to understand, as in this instance, by a foreign government, that its treaties with other nations can not be executed

without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ language neither of equivocal import nor susceptible of misconstruction.'

"You will perceive, sir, by these extracts, that the British government has advanced a pretension which it asserts to be indispensable to the execution of its treaties for the suppression of the slave trade, and to which the President of the United States has declared that the American government will not submit. This claim of search, it will be observed, arising, as is asserted, out of existing obligations, has relation to the isolated treaties for the abolition of this traffic which were in force at the date of the communications of Lord Palmerston and of Lord Aberdeen. It is now known, that the combined treaty upon this subject is more extensive in its operations, and more minute in some of the details of its execution, than the separate treaties with France, which preceded it, and equally indefinite in the duration of its obligations. Of course, measures were not only 'justifiable, but indispensable,' for the execution of the latter will find equal justice and necessity in the obligations of the former.

"With this previous declaration made by one of the parties to this quintuple treaty, concerning its operations, the American government can not shut their eyes to their true position. The moral effect which such a union of five great powers, two of which are eminently maritime, but three of which have perhaps never had a vessel engaged in that traffic, is calculated to produce upon the United States and upon other nations, who, like them, may be indisposed to these combined movements, though it may be regretted, yet furnishes no cause of complaint. But the subject assumes another aspect, when they are told, by one of the parties, that their vessels are to be forcibly entered and examined, in order to carry into effect these stipulations. Certainly the American government does not believe that the high powers, contracting parties to the treaty, have any wish to compel the United States, by force, to adapt their measures to its provisions, or to adopt its stipulations. They have too much confidence in their sense of justice to fear any such result, and they will see with pleasure the prompt disavowal made by yourself, sir, in the name of your country, at the tribune of the Chamber of Deputies, of any intentions of this nature. But were it otherwise, and were it possible

they might be deceived in this confident expectation, that would not alter in one tittle their course of action. Their duty would be the same, and the same would be their determination to fulfill it. They would prepare themselves with apprehension, indeed, but without dismay ; with regret, but with firmness ; for one of those desperate struggles which have sometimes occurred in the history of the world, but where a just cause and the favor of Providence have given strength to comparative weakness, and enabled it to break down the pride of power.

“But I have already said that the United States do not fear that any such united attempt will be made upon their independence. What, however, they may reasonably fear, and what they do fear, is, that in the execution of this treaty, measures will be taken which they must resist. How far the act of one of the parties putting its construction upon its own duties, and upon the obligations of its co-contractors, may involve these in any unlooked-for consequences, either by the adoption of similar measures, or by their rejection, I do not presume to judge. Certain it is, however, that if the fact, and the principle advanced by Lord Aberdeen, are correct, that these treaties for the abolition of the slave trade can not be executed without forcibly boarding American ships at sea in time of peace, and that the obligations created by them confer not only the right thus to violate the American flag, but make this measure a duty, then it is also the duty of France to pursue the same course. Should she put this construction upon her obligations, it is obvious the United States must do to her as they will do to England, if she persist in this attack upon their independence. Should she not, it does not become me to investigate the nature of her position with respect to one of her associates, whose opinion respecting their relative duties would be so widely different from her own. But I may express the hope that the government of his Majesty, before ratifying this treaty, will examine maturely the pretensions asserted by one of the parties, and see how these can be reconciled, not only with the honor and interest of the United States, but with the received principles of the great maritime code of nations. I may make this appeal with the more confidence, from the relations subsisting between France and the United States, from a community of interest in the liberty of the seas, from a community of opinion respecting the principles

which guard it, and from a community in danger, should it ever be menaced by the ambition of any maritime power.

“It appears to me, sir, that, in asking the attention of his Majesty’s government to the subject of the quintuple treaty, with a view to its reconsideration, I am requesting nothing, on the part of the United States, inconsistent with the duties of France to other powers. If, during the course of the discussion upon this treaty, preparatory to the arrangement of its provisions, England had asserted to the other parties the pretension she now asserts to the United States, as a necessary consequence of its obligations, I can not be wrong in presuming that France would not have signed it without guarding against this impending difficulty. The views of England are now disclosed to you, but, fortunately, before its ratification. And this change of circumstance may well justify the French government in interposing such a remedy as it may think is demanded by the grave interest involved in this question.

“As to the treaties of 1831 and 1833, between France and Great Britain, for the suppression of the slave trade, I do not consider it my duty to advert to their stipulations. Their obligations upon the contracting parties, whatever these may be, are now complete; and it is for my government alone to determine what measures the United States ought to take to avert the consequences with which they are now threatened, by the construction which one of the parties has given to these instruments.

“I have the honor to transmit, herewith, a copy of the message of the President of the United States to Congress, in December last, and of the annual documents which accompanied it. Among the latter will be found the correspondence between the British Secretaries of State and Mr. Stevenson, upon the subject herein referred to. From these you will learn the respective views of the American and British governments.

“It is proper for me to add, that this communication has been made without any instruction from the United States. I have considered this case as one in which an American representative to a foreign power should act, without awaiting the orders of his government. I have presumed, in the views I have submitted to you, that I express the feelings of the American government and people. If, in this, I have deceived myself, the responsibility will be mine. As soon as I can receive dispatches from the United

States, in answer to my communications, I shall be enabled to declare to you either that my conduct has been approved by the President, or that my mission is terminated.

“I avail myself, &c.,

“LEWIS CASS.

“His Excellency M. GUIZOT,

“Minister of Foreign Affairs.”

CHAPTER XXVIII.

Disappointment of England—The Washington Treaty—General Cass resigns his Mission—The Correspondence—England's Construction of the Treaty.

The British government, having failed to secure the approval of its scheme by the Chamber of Deputies, was anxious to retreat with some appearance of honor ; and disdaining to appear before the world as entirely unsuccessful in her project, coupled with the wish to impress the other great powers with her sincerity and laudable motives in suggesting the quintuple treaty, sought an opportunity to open a negotiation relative to the slave trade with the United States. With this view, Lord Ashburton was sent as a special ambassador to Washington, clad with authority to adjust and definitely settle all matters of difference between the two countries.

The negotiation was opened between his lordship and Mr. Webster, the Secretary of State, and a treaty concluded. Mr. Webster, in communicating this treaty to General Cass, in France, called his attention particularly to the clauses relating to the suppression of the African slave trade. The provisions of the treaty, in relation to this branch of the negotiation, did not meet with the views of General Cass. He considered the omission to procure a renunciation of the offensive claim of England to the right of search, while engaged on this very subject, placed him in a false position, and rendered his situation, as Minister to France, unpleasant.

With powers of mind which grasp, as it were, by intuition, every subject to which they are applied, united to various and extensive acquirements, he had exposed the mischief that lurked in the quintuple treaty ; he had shown that the whole eastern coast of America, south of the thirty-second degree of north latitude, came within its gigantic sweep. No vessel of the contracting parties could ever have been approaching New York, Boston, Philadelphia, or Charleston, with a cargo from any part of the world, south of Savannah, without risk of being searched for slaves by British cruisers, the voyage stopped, and the vessel ordered to some British

Court of Admiralty for adjudication. Almost beyond credibility, yet the words of the treaty prove it. The space for British search comprehended more than seventy degrees of latitude. Nay; it might have been exercised upon all the vessels going to or from New Orleans, in the waters of the Gulf of Mexico. What a blow to commercial pursuits was happily warded off by the bold and unprecedented movement of General Cass! He, by the stroke of his pen, as it were, foreclosed British supremacy on the high seas, and barred the door against her fanaticism there, that she might do her work more thoroughly and quickly on the land. He thus exposed himself to the wildest anti-slavery fanaticism of England, in the enlightened and fearless vindication of the rights of his country, and was showered with calumnies by the tory press of Britain and defamatory peers in Parliament. Lord Brougham was mad with rage at the defeat of this portentous treaty by the talents, sagacity, and patriotism of General Cass. He thundered from the tory benches, and exhausted the vocabularies of Johnson and Walker. And notwithstanding the American Minister had thus successfully performed his duty as an *American* Minister should have done, and that, too, without feeling, at the time, that any very especial credit was due to his patriotism, and was thus exposed to the growl and roar of the British lion, still, it turned out, in the sequel, that he was not to escape indignity and injustice from his own government, in the person of Daniel Webster, the Secretary of State. The proof is on record, or we might want faith in such a charge. It is contained in the correspondence between Mr. Webster and himself, transpiring after his return from France; but never was retribution sooner brought about, as far as the parties were concerned, and his own victory over Mr. Webster was complete. No two judgments can differ about this. The necessity that created this correspondence was the more painful to General Cass, because they were classmates in youth at Exeter, and always retaining for each other sentiments of respect and friendship; indeed, each wishing for the other a prosperous voyage through life. Years afterwards, in personal intercourse, General Cass, from some remarks made by Mr. Webster, was led to doubt whether the latter did not, in all this matter, act from the promptings of others. Suffice it to say, that cordial intimacy between them was re-established, and continued unbroken to the day of Mr. W.'s death; and the eulogy pronounced by General

Cass in the Senate, upon the death of Mr. Webster, evidences the warm personal sentiments he entertained towards him. The flame that illumined the matchless intellect of the one, is already extinguished in the silence of death ; and that of the other, in the ordinary course of nature, must, ere long, partake of the same destiny. And were it not necessary to a just appreciation of General Cass' position and subsequent action relative to the Ashburton treaty, so called, the following letters would be omitted. As it is, we reproduce them. There would be a hiatus without them.

[Mr. Cass to Mr. Webster.]

“LEGATION OF THE UNITED STATES, }
“PARIS, October 3d, 1842. }

“SIR:—The last packet brought me your letter of August 29th, announcing the conclusion of a treaty with Great Britain, and accompanied by a copy of it, and of the correspondence between the ministers charged with the negotiations, and directing me to make known to Mr. Guizot the sentiments of the American government upon that part of the treaty which provides for the co-operation of the United States in the efforts making to suppress the African slave trade. I thought I should best fulfill your intentions by communicating a copy, *in extenso*, of your letter. This I accordingly did yesterday. I trust I shall be able, before my departure, to transmit to you the acknowledgment of its receipt by Mr. Guizot.

“In executing this duty, I felt too well what was due to my government and country to intimate any regret to a foreign power that some declaration had not preceded the treaty, or some stipulation accompanied it, by which the extraordinary pretension of Great Britain, to search our ships at all times and in all places, first put forth to the world by Lord Palmerston the 27th of August, 1841, and on the 13th October following again peremptorily claimed as a right by Lord Aberdeen, would have been abrogated as equally incompatible with the laws of nations, and with the independence of the United States. I confined myself, therefore, to a simple communication of your letter.

“But this reserve ceases when I address my own government, and connected as I feel my official conduct and reputation with this question of the right of search. I am sure I shall find an excuse for what might otherwise be considered presumption, if, as one of the last acts of my official career, I submit to you, and

through you to the President, the peculiar circumstances in which I am placed by the conclusion of this treaty, and by the communication of your letter to Mr. Guizot.

“Before proceeding further, permit me to remark that no one rejoices more sincerely than I do at the termination of our difficulties with Great Britain, *so far as they are terminated*. That country and ours have so many moral and material interests involved in their intercourse, that their respective governments and inhabitants may well feel more than ordinary solicitude for the preservation of peace between these two great nations. Our past history, however, will be unprofitable, if it do not teach us that unjust pretensions, affecting our rights and honor, are best met by being promptly repelled when first urged, and by being received in a spirit of resistance, worthy the character of our people, and of the great trust confided to us as the depositories of the freest system of government which the world has yet witnessed.

“I had the honor, in my letter of the 17th ultimo, to solicit permission to return to the United States. That letter was written the day a copy of the treaty reached Paris; and the remark which I then made to you, that ‘I could no longer be useful here,’ has been confirmed by subsequent reflection, and by the receipt of your letter, and of the correspondence accompanying it. I feel that I could no longer remain here honorably for myself, or advantageously for our country.

“In my letter to you, of the 15th February last, transmitting a copy of my protest against the ratification of the quintuple treaty for the suppression of the African slave trade, I took the liberty of suggesting the propriety of demanding from Lord Ashburton, previously to entering into any negotiation, a distinct renunciation of this claim to search our vessels. I thought then, as I do now, that this course was demanded by a just self-respect, and would be supported by that tribunal of public opinion which sustains our government when right, and corrects it when wrong. The pretension itself was one of the most flagrant outrages which could be aimed at an independent nation; and the mode of its enunciation was as coolly contemptuous as diplomatic ingenuity could suggest. We were told that to the doctrine that American vessels were free from the search of foreign cruisers in time of peace, ‘the British government never could or would subscribe;’

and we were told, too, there was reason to expect that the United States would themselves become converts to the same opinion ; and this expectation was founded on the hope that ‘they would cease to confound two things which are in their nature entirely different, and would look to things and not to words.’ And the very concluding paragraph of the British correspondence tells us, in effect, that, take whatever course we may please, England will adhere to this pretension to board our vessels when and where her cruisers may find them. A portion of this paragraph is equally significant and unceremonious. ‘It is for the American government,’ says Lord Aberdeen, ‘alone to determine what may be due to a just regard for their national dignity and national independence.’ I doubt if, in the wide range of modern diplomacy, a more obnoxious claim has been urged in a more obnoxious manner.

“This claim, thus asserted and supported, was promptly met and firmly repelled by the President, in his message at the commencement of the last session of Congress ; and in your letter to me, approving the course I had adopted in relation to the question of the ratification by France of the quintuple treaty, you consider the principles of that message as the established policy of the government. Under these circumstances of the assertion and denial of this new claim of maritime police, the eyes of Europe were upon these two great naval powers, one of which had advanced a pretension, and avowed her determination to enforce it, which might at any moment bring them into collision. So far our national dignity was uncompromised.

“But England then urged the United States to enter into a conventional arrangement by which we might be pledged to concur with her in measures for the suppression of the slave trade. Till then we had executed our own laws in our own way. But yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated, in a solemn treaty, that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose. Certainly, a laudable desire to terminate this horrible man-stealing and man-selling, may well justify us in going further in changing one of the fundamental principles of our policy, in order to effect this object, than we would go to effect any other. It is so much more a question of feeling than of reasoning, that

we can hardly be wrong in yielding to that impulse which leads us to desire to unite our efforts with those of other nations for the protection of the most sacred human rights. But while making so important a concession to the renewed application of England, it seems to me we might well have said to her, before we treat upon this matter, there is a preliminary question connected with it which must be settled. We will do no act which may by any possibility appear to be a recognition of your claim to search our vessels. That claim has arisen out of this very subject, or, at any rate, this subject has been the pretext for its assertion; and if we now negotiate upon it, and our concurrence is yielded, you must relinquish as solemnly as you have announced this most offensive pretension. If this is not done by now making a conventional arrangement with you, and leaving you free to take your own course, we shall, in effect, abandon the ground we have assumed, and with it our rights and honor.

“In carefully looking at the seventh and eighth articles of the treaty for our co-operation in the measures for the suppression of this traffic, I do not see that they can change, in the slightest degree, the pre-existing right claimed by Great Britain to arrest and search our vessels. That claim, as advanced both by Lord Palmerston and Lord Aberdeen, rested on the assumption that the treaties between England and other European powers upon this subject could not be executed without its exercise, and *that the happy concurrence of these powers not only justified this exercise, but rendered it indispensable*. By the recent treaty we are to keep a squadron upon the coast of Africa. We have kept one there for years—during the whole time, indeed, of these efforts to put a stop to this most iniquitous commerce. The effect of this treaty is, therefore, to render it obligatory upon us, by a convention, to do what we have long done voluntarily—to place our municipal laws, in some measure, beyond the reach of Congress, and to increase the strength of the squadron employed on this duty. But if a British cruiser meet a vessel bearing the American flag, where there is no American ship-of-war to examine her, it is obvious that it is quite as indispensable and justifiable, that the cruiser should search this vessel to ascertain her nationality, since the conclusion of the treaty, as it was before. The mutual rights of the parties are in this respect wholly untouched, their pretensions exist in full force; and what they could do prior to this arrangement they

may now do ; for though they have respectively sanctioned the employment of a force to give effect 'to the laws, rights and obligations of the two countries,' yet they have not prohibited the use of any other measure which either party may be disposed to adopt.

"It is unnecessary to push these considerations further ; and in carrying them thus far, I have found the task an unpleasant one. Nothing but justice to myself could have induced me to do it. I could not clearly explain my position here without this recapitulation. My protest of the 13th February distinctly asserted that the United States would resist the pretensions of England to search our vessels. I avowed, at the same time, that this was but my personal declaration, liable to be confirmed or disavowed by my government. I now find a treaty has been concluded with Great Britain and the United States, which provides for the co-operation of the latter in efforts to abolish the slave trade, but which contains no renunciation by the former of the extraordinary pretension, resulting, as she said, from the exigencies of these very efforts ; and which pretension I felt it my duty to denounce to the French government. In all this I presume to offer no further judgment than as I am personally affected by the course of the proceedings ; and I feel they have placed me in a false position, whence I can escape but by returning home with the least possible delay. I trust, therefore, that the President will have felt no hesitation in granting me the permission which I asked for.

"I am, &c.,

"LEWIS CASS.

"DANIEL WEBSTER,

"Secretary of State, Washington."

General Cass, upon the receipt of the first intelligence of the ratification of the treaty made at Washington with Great Britain, resigned his mission, and in a dispatch under date of September 17th, 1842, requested the President's permission to return home, and apprised the Secretary of State that his intention was to be ready to embark for the United States on the nineteenth of November following. The President, acknowledging the loss to this country, by the withdrawal of General Cass from the French court, reluctantly gave his consent.

Mr. Webster, under date of November 14th, replied to the above letter of General Cass, but the same did not reach him at

Paris. Upon reaching New York, a duplicate was delivered to him, and from the latter city he immediately addressed to Mr. Webster the following rejoinder.

[Mr. Cass to Mr. Webster.]

NEW YORK, December 11th, 1842.

"SIR.—Upon my arrival here yesterday, the duplicate of your letter of November 14th was delivered to me. I embrace the first moment in my power to acknowledge its receipt.

"I am too well aware of what is due from me to the government to renew, or unnecessarily to prolong, the discussion of the subject contained in my letter of October 3d. In submitting to you the views I entertained, I fulfilled a duty which, in my opinion, circumstances imposed upon me. But I should consider myself obnoxious to the censure of improper interference, with which you have not sparingly reproached me, but from which I trust I shall satisfy you I am free, did I seek to make my correspondence with the department the vehicle for obtruding my sentiments upon the government. Still, I am anxious not to be misunderstood, and more especially since you give me to understand that the communications which have passed between us upon this subject are to be published, and thus submitted to the great tribunal of public opinion, which will be called upon to decide respecting the course I have deemed it necessary to adopt, as well as the manner in which I have fulfilled this task. And as you have in several instances misapprehended my views, and adopting your reasoning to your constructions rather than to my sentiments, and as I have full confidence in your desire to do me justice, I must beg leave briefly to lay before you such considerations connected with my letter, and your comments upon it, as are essential to a correct judgment between us. And first, with respect to the procedure on my part.

"You object to my whole course of action in this matter, because it appears to you to be intended as a sort of protest or remonstrance against a transaction of the government, &c.

"I have been very unhappy in the mode in which I have expressed myself, if I am justly liable to this charge. My letter is not a protest or a remonstrance. It is a simple answer to a dispatch which I had the honor to receive from you. In your letter of August 29th, you communicated to me the views of the

President in relation to the treaty then recently concluded with England, and you also authorized me to make known these views to the French government. This I did, both in conversation and in writing. Here was a dispatch requiring my action, and which received it in good faith. But I did not coincide with you in opinion, respecting an important bearing of the treaty. I thought it left us in a worse position than it found us ; and so thinking, I deemed it my right and felt it my duty to lay before you the impression which the whole matter had left upon my mind. I did so, and the result is before you. Under these circumstances was I guilty of indiscretion or of an impertinent interference still more offensive, which it seems to me from the tone of your letter is the construction you put upon my action ?

“ This question will, perhaps, be but answered by another. Is it a duty of a diplomatic agent to receive all the communications of his government, and to carry into effect their instructions *sub silentio*, whatever may be his own sentiments in relation to them ? Or, is he not bound as a faithful representative to communicate freely, but respectfully, his own views, that these may be considered and receive their due weight in that particular case, or in other circumstances involving similar considerations ? It seems to me that the bare enunciation of this principle is all that is necessary for my justification. I am speaking now of the propriety of my action, not of the manner in which it was performed. I may have executed the task well or ill ; I may have introduced topics unadvisedly, and urged them indiscreetly. All this I leave without remark. I am only endeavoring here to free myself from the serious charge which you bring against me. If I have misapprehended the duties of an American diplomatic agent upon this subject, I am well satisfied to have withdrawn, by a timely resignation, from a position in which my own self-respect would not permit me to remain. And I may express the conviction that there is no government,—certainly none this side of Constantinople—which would not encourage, rather than rebuke, the free expression of the views of their representatives in foreign countries. But, independently of this general objection to all action on my part, you present another, perhaps still more formidable, but which is applicable only to the circumstances of this case. Without repeating in full the view you urge upon this part of the subject, I shall condense the objection into the proposition that

the expression of my sentiments to the government upon this occasion might induce England hereafter 'to rely upon my authority for a construction favorable to her own pretensions, and inconsistent with the interest and honor of the United States.'

"In the first place, I would remark that I have written for my own government, and not for that of England. The publication of my letter which is to produce this result, is to be the act of the government, and not my act. But if the President should think that the slightest injury to the public interest would ensue from the disclosure of my views, the letter may be buried in the archives of the department, and thus forgotten and rendered harmless.

"But even were immediate publicity to be given to it, I know my own insignificance too well to believe it would produce the slightest influence upon the pretensions or the course of England. The English public, and especially the English statesmen, are too sagacious to need the suggestions of any foreigner, and too pertinacious in the assertion of their claims to seek his authority for their support. When England, in her progress to that supremacy upon the ocean which has been the steady object of her ambition for centuries, and will continue to be so, abandons a single pretension after she has advanced it, then there may be reason to believe she has adopted a system of moderation, which may be strengthened or weakened, as the opinion of others is favorable or unfavorable to her. There is no evidence that that time is near. But were it otherwise, does it follow that in all discussions between nations it is the duty of every man to believe his own government has attained every object which the interest or honor of the country requires, or not believing it, to remain silent, and to refrain from all representations, either to the government itself or to the public, with a view to the ultimate correction of the error, and to the relief of his country from a false position? I must confess I do not carry my patriotic devotion thus far. I agree that when nations have appealed from argument to force, and when a war is raging, it is the duty of every citizen to put all other considerations behind him, and avoiding profitless and party discussions upon the past, to join with head, heart and hand to repel the common foe. At such a time I would not speak words of censure even to my countrymen, lest I should be overheard by the enemy. And that this is not with me a barren doctrine, I trust I have given sufficient evidence in perilous times. But I was not prepared

for that excess of patriotic zeal (pardon me the expression, for such it appears to me,) which would carry this reserve into all the actions of the government, as well in peace as in war. I believe that in our recent treaty with England, sufficient precaution was not taken to guard against her claim to search our ships. This belief I entertain in common with many other citizens, in office and out of office ; and I, as well as they, have expressed it. It has been declared in the Senate, in the public journals in every district of our country ; and I can not feel that this avowal of our sentiments, in whatever form it is made, whether official or unofficial, justly subjects us to the charge of taking a course which may hereafter enable other governments to 'set up new pretensions.'

"Permit me now to advert to the serious charge you have made against me, of venturing upon *a statement which is a tissue of mistakes*. This statement you quote, and it is that part of my letter in which, after showing that, to a certain point of time, our national honor had been preserved inviolate, I proceed to show that the subsequent course of events had not been equally fortunate. I remark that England never urged the United States to enter into a conventional arrangement, by which the joint action of the two countries in the suppression of the slave trade might be secured. You pronounce this statement a mistake, and assert that the proposition came from our government.

"That the particular mode in which the government should act in concert, as finally arranged in the treaty, was suggested by yourself, I never doubted, and if this is the construction I am to give to your denial of my correctness, there is no difficulty upon the subject. The question between us is untouched. All I said was, that England continued to prosecute the matter ; that she presented it for negotiation, and that we therefore consented to its introduction ; and if Lord Ashburton did not come out with instructions from his government to endeavor to effect some arrangement upon this subject, the world has strangely misunderstood one of the great objects of his mission, and I have misunderstood that paragraph in your first note, where you say that Lord Ashburton comes with full powers to negotiate and settle all matters in discussion between England and the United States. But the very fact of his coming here, and of his acceding to any stipulations respecting the slave trade, is conclusive proof that his

government were desirous to obtain the co-operation of the United States. I had supposed that our government would scarcely take the initiative in this matter, and urge it upon that of Great Britain, either in Washington or London. If it did so, I can only express my regret, and confess that I have been led inadvertently into an error.

“You then proceed to remark, in continuation of this tissue of mistakes, that in entering into this arrangement, the United States did not depart from the principle of avoiding European combinations upon a subject not American, because the abolition of the slave trade is equally an American and European subject. This may be so. I may be wrong in the application of the principle, but such an erroneous conclusion scarcely justifies the epithet of *an adventurous statement, one of a tissue of mistakes*. But, apart from this, I still think that combinations of this kind are among the ‘entangling alliances’ against which the great statesman, whose exposition of our Constitution will go down to posterity with the instrument itself, warned his countrymen; and the perpetually recurring difficulties which are presenting themselves in the execution of conventions between France and England upon this subject, should be a caution to nations against the introduction of new maritime principles, whose operations and results it is difficult to foresee.

“But is the suppression of the African slave trade one of those American objects in the attainment of which we ought to seek the co-operation of other nations, and regulate our own duties and theirs by treaty stipulations? I do not think so. In the first place, the principle would necessarily lead us to form alliance with every maritime nation. It is not England alone whose flag rides over the seas. Other countries must co-operate, if any co-operation is necessary; and if we have made propositions to England to join us in this effort, I do not see why we stop there, and deprive ourselves of the aid which the action of other nations would afford. I doubt if the people of this country are prepared for such extensive combinations.

“But again, while fully agreeing with you in all the odium you cast upon that infamous traffic, it appears to me that any object interesting to humanity, and in which nations may with propriety engage, has the same claim, if not in degree, at least in principle, upon our interference, and calls upon us for a union with other

nations to effect it. It may be easily seen, not where such a doctrine would conduct us—that escapes human sagacity—but towards what ruinous consequences it leads.

“You conclude this branch of the subject, by informing me that you are directed by the President to bring to my ‘serious consideration and reflection, the propriety of such an assumed narration of facts, as your dispatch in this respect puts forth.’ I shall not say one word to give the President any cause of offense, and, if I felt that I was justly obnoxious to this censure, I should submit to the rebuke in silence. He would have a right to make it, and it would be my duty to acquiesce ; but I have that confidence in his innate love of justice, that he will receive my explanations, and judge me by my words, and not by unauthorized constructions.

“Now, in all that I have said in the paragraph to which you allude, and which you have so strongly qualified, you have pointed out but one fact as erroneous, and that is the assertion that the introduction of the subject of the slave trade into the treaty, was due to the application of England ; and whether even this was an error, depends upon the construction to be given to your explanation. All else—I repeat it—all else, to the very least idea, is matter of inference ; it is my deduction from the circumstances of the case. I may be right or wrong, logically, in the conclusions I have reached, but certainly I am not morally responsible for their correctness, as I should be if I asserted merely naked facts. It is, therefore, with not a little astonishment I have read and re-read what I wrote, and the commentary you have been pleased to make upon it. It is neither necessary nor proper that I should renew the general subject of my letter, and therefore I do not feel it my duty to trouble you with any remarks respecting the views you have presented me, of the pretensions of the British government to search our ships ; but, when you proceed to array me against myself, I must claim the right to vindicate my own consistency. You quote me, and quote correctly, as saying that up to the delivery of the annual message of 1841, our national dignity was uncompromised. You then ask what has since occurred to compromise this dignity ? and you add, emphatically, that I shall myself be the judge of this, because in a subsequent part of my dispatch, I say the mutual rights of the parties are wholly unchanged ; and you ask if they are unchanged, what ground

there is on which to found a complaint against the treaty? I think that a very brief retrospect will be the best answer I can give to this question, and that it will redeem me from the implied charge of inconsistency.

“I never said nor intimated in my dispatch to you, nor in any manner whatever, that our government had conceded to that of England the right to search our ships. That idea, however, pervades your letter, and is very apparent in that part of it which brings to my observation the possible effect of my views upon the English government; but in this you do me, though I am sure unintentionally, great injustice. I repeatedly stated that the recent treaty leaves the rights of the parties as it found them. My difficulty is not that we have made a positive concession, but that we have acted unadvisedly in not making the abandonment of this pretension a previous condition to any conventional arrangement upon the general subject. I had supposed till I read your letter, that this view was too distinctly expressed in my dispatch to admit of any misconstruction. I will condense into a small space what I deem it necessary to say in defense of my consistency.

“England claimed the right, in order, as she said, to carry into effect certain treaties she had formed for the suppression of the slave trade, to board and search our vessels upon the high seas wherever she might find them. Our government, with energy and promptness, repelled this pretension. Shortly after, a British ambassador arrived in our country, having powers to treat upon this matter of the slave trade. The negotiation terminated by an arrangement which secures the co-operation of the United States in the efforts that England is making upon this subject; but not a word is said upon the serious claim that subjects to the naval inquisition of a commercial rival our ships, which the enterprise of our merchants is sending to every part of the globe, and yet this claim arises out of the very subject matter embraced in this treaty. We negotiate with England for the suppression of the slave trade, at the very moment her statesmen are telling us, in no measured terms, that to suppress it she will violate our flag, and that she will never give up this pretension.

“Now here, it appears to me, the government should have stopped. The English negotiator should have been told, ‘We abhor as much as you do the traffic in human beings, and we will do all that our peculiar institutions permit to put an end to it;

but we will not suffer this matter to be made a pretext for wounding our honor and violating our rights; we will not take a single step till you renounce this claim; we have denounced it already; and if we should negotiate upon the subject matter without settling this preliminary question, it may seem like an abandonment of the ground we have taken, or an indifference to the consequences.'

"Had this course been pursued, the sincerity of the British government would have undergone a practical test, from which there would have been no escape. It would not have been necessary to quote the last dispatch of Lord Aberdeen, to show what he meant in another, or Lord Palmerston in the first. If such a proposition had been made and accepted, our honor would have been vindicated, our rights secured, and a bright example of sincerity and moderation would have been given to the world by a great nation. If it had been rejected, that would have proved that our co-operation in the suppression of the slave trade was a question of minor importance, to be sacrificed to the preservation of a pretension intended to introduce an entire change in the maritime police of the world.

"Why this very obvious course was not adopted, I am utterly at a loss to conjecture; and that it was not, is precisely the objection to which the whole arrangement is liable. Instead of the high ground we should then have occupied, we now find ourselves seriously discussing the question whether or not England will enforce this claim. That she will do so when her interest requires it, I have no more doubt than I have that she has already given us abundant proof that the received code of public law is but a feeble barrier when it stands in the way of power and ambition. Lord Palmerston and Lord Aberdeen both tell us she will.

"You refer to that part of my letter in which I observe that the effect of the new stipulation is to place our municipal laws, in some measure, beyond the reach of Congress, and remark that such is often the effect of commercial treaties. It is so, and we can only expect to obtain commercial advantages by stipulations for corresponding advantages, which, while they endure, are beyond the reach of ordinary legislation. This is a matter of necessity. But this necessity does not exist in the punishment of crimes. We are able to enforce our own laws; and I do not see that the power to enforce those of England gives us any just

compensation for permitting her to interfere in our criminal code, whether the offense is committed upon the land or upon the water. It seems to me a principle fraught with dangerous consequences, and which a prudent government had better avoid.

"There is but one other topic which I consider it necessary to advert to, but that is an important one, and I pray your indulgence while I briefly allude to it.

"You speak of the ratification of the treaty by the President and Senate, and add, that it does not appear to you that I had any grounds of complaint because their opinion was at variance with mine. I submit that this is making an issue for me which I have not made for myself. In no part of my letter will be found the slightest imputation upon the President or Senate, for the ratification of this treaty. I could not make such an imputation, for the plain reason that I never censured the ratification. I am under the impression that if I had had a vote to give, I should have been found among the majority upon that occasion. This, however, would have been upon the condition that some declaration should be annexed to the act of ratification, denouncing the pretension to search our ships. I would then have sent the instrument to the British government, and placed upon them the responsibility of its final rejection or ratification; and I am sure we should have had the opinion of the world with us under such circumstances.

"The rejection of a treaty duly negotiated, is a serious question, to be avoided, whenever it can be without too great a sacrifice. Though the national faith is not actually committed, still it is more or less engaged; and there were peculiar circumstances, growing out of long-standing difficulties, which rendered an amicable arrangement of the various matters in dispute with England a subject of great national interest. But the negotiation of a treaty is a far different subject. Topics are omitted or introduced at the discretion of the negotiators, and they are responsible, to use the language of an eminent and able Senator, for 'what it contains and what it omits.' This treaty, in my opinion, omits a most important and necessary stipulation, and therefore, as it seems to me, its negotiation in this particular was unfortunate for the country.

"In conclusion, I beg you to tender the President my thanks for the kind appreciation he made of my services in the letter of

recall, and to express to him my hope that, on a full consideration of the circumstances, he will be satisfied that, if my course was not one he can approve, it, at all events, was such as to relieve me from the charge of an improper interference in a subject not within the sphere of my duties.

“I must pray you, as an act of justice, to give the same publicity to this letter that you may give to my letter of October 3d, and to your answer.

“Very respectfully, &c.,

“LEWIS CASS.

“HON. DANIEL WEBSTER,

“Secretary of State.”

The foregoing letters were made public by a call of the Senate upon the President for the correspondence relating to the quintuple treaty. When General Cass was at Washington, upon his return to this country, which was after the receipt, by the Secretary of State, of his letter of December 11th, 1842, he supposed that the controversy between himself and Mr. Webster was at an end. He saw the Secretary of State on several occasions, and no intimation to the contrary was made by that officer. In February he left Washington, and returned to Detroit. On the seventh of March following, to his great surprise, he received a communication from Mr. Webster, post-marked Washington, February 23d, 1843, but bearing date December 20th, 1842, and, at which last date, General Cass was at Washington. Having received no answer while there, or intimation that there would be any to his letter of December 11th, 1842, he considered, and so stated, that the correspondence was terminated. But this last communication of Mr. Webster opened it afresh, although evidently ante-dated some two months. It is fair to infer that Mr. Webster, desiring to have the last word, prepared and published, with the official correspondence, a reply to General Cass' letter of December 11th, and which was not seen by the General until the following March, and to which, of course, he had no opportunity of replying, prior to the authoritative call of the Senate for the correspondence. This, certainly, was a singular proceeding, and, to use the mildest term, very disingenuous. It compelled General Cass again to appear before the public with the following rejoinder :

“DETROIT, March 7th, 1843.

“SIR:—I have just received your letter dated December 20th, 1842, and post-marked ‘Washington, February 23d, 1843,’ which commences by stating that my letter of the 11th instant (that is, my letter of December 11th, 1842,) had been submitted to the President.

“I had no desire to continue the correspondence which has arisen between us. I had said all I felt called upon to say in my own defense, and I had determined there to leave the subject. This determination I expressed to you immediately before I left Washington in January, when you intimated to me that you should probably answer my letter of December 11th. I should not have departed from this resolution had I not felt it due to myself that the actual date of the receipt of your letter should be established. I have reason to suppose that the correspondence between us has, ere this, been submitted to Congress, and that it will thus come before the nation. Your late letter has, no doubt, made part of these documents, and persons reading it may well suppose it was written the 20th of December last, and received by me while I was yet at Washington.

“The error will, no doubt, be readily explained at the Department, for I need hardly say I am sure it was unintentional. But, in the meantime, it may do me serious injury; for, while at the seat of government, where this correspondence was well known, I more than once stated that my letter of December 11th was unanswered.

“It is essential, therefore, to me, that it should be known that this statement was true; and this can now only be done by spreading the correction as widely as the error has been spread.

“This is my first and principal reason for again writing to you, and, without this reason, I doubt if I should have broken the silence I intended to keep, though there are passages in your letter that might well have induced me to depart from this resolution. The correspondence has already grown to an unreasonable length, and I am very unwilling to prolong it; but, as I am compelled to write, from the circumstances adverted to, I shall, without further apology, proceed to examine some of the topics presented in your last letter, and, also, to call to your observation some very offensive remarks contained in your dispatch of November 14th, and, to my surprise, repeated in the recent one.

Before doing this, however, I shall advert to one view presented in the November letter, and which the haste with which my reply was written prevented me from considering.

“Even if I had entertained a desire still further to discuss the questions which have arisen between us out of the treaty of Washington, the course which events, connected with that treaty, are now taking, would have rendered such a measure wholly unnecessary for any purpose I had originally in view. All I feared and foretold has come to pass. The British pretension to search our ships, instead of having been put to rest, has assumed a more threatening and imposing form, by the recent declaration of the British government that they intend to enforce it. As you already know, the 17th of last September, the very day I read the treaty in a New York paper, I solicited my recall. I stated to you I felt that I could not remain abroad honorably for myself nor usefully for our country; and that I considered the omission of a stipulation in that treaty, which settled the African slave trade question, to guard against the right of search or visitation, or by what other name it may please the British government and country to express this claim to violate our flag and to board our vessels, as a fatal error, considering, particularly, that this pretension had been first put forth and justified in connection with that traffic. And so viewing the subject, I felt that the course I had taken in France, in opposition to the ratification of the quintuple treaty, which was intended to engraft this principle upon the law of nations, had not been supported by the government as I thought it should have been.

“In my protest to M. Guizot, of February 13th, 1842, I had staked my diplomatic situation and character upon this support.

“Your letter of April 5th, 1842, conveyed the President’s approval of my conduct, and this you consider, in your letter of November 14th, 1842, as taking from me all further responsibility.

“You say that ‘having delivered my letter to M. Guizot, and having read the President’s approbation of that proceeding, it is most manifest that you could, in no degree, be responsible for what should be done afterwards, and done by others.’ You add, as a corollary from this proposition, that ‘the President, therefore, can not conceive what particular or personal interest of yours was affected by the subsequent negotiation here, or how the treaty, the result of that negotiation, should put an end to your usefulness as

a public minister at the court of France, or in any way affect your official character or conduct.'

"The answer to this is so obvious, that I can not but express my surprise that it has escaped your observation. A diplomatic agent, without instructions, takes a responsible step, which he thinks called for by the honor and interests of his country. He states that he acts without the knowledge of his government, and that, if unsupported, he must return home. You think that the approval of his course by his own government absolves him from all further responsibility, and that, happen what may, his honor and usefulness are unimpaired. My opinion is far different. If his government approve his course upon paper, and abandon, in effect, the measures he advocates, he can not represent his country as his country ought to be represented abroad. And I may safely add, that no man, fit to be sent upon a foreign mission, would hesitate a moment as to the course he ought to pursue. He would not entrench himself behind his paper approval, for, if he did, he would hear words of reproach respecting his government, which no man of honor could submit to. In my case you approved my proceedings, but, as I say and believe, you did not guard against this pretension of England to search our ships, which occasioned my interposition, as it should have been guarded against; and thus, in fact, left me unsupported.

"It is by this process of feeling and reasoning that I reached the conclusion you censure in no measured terms; and I trust you will now see 'how the treaty, the result of that negotiation, should put an end to my usefulness as a public minister at the court of France.'

"It put an end to it because I said the American government would resist the right of search. The government said the same thing, but, unfortunately, went on to make a treaty respecting the slave trade, with England, without saying a word about this pretension, at the very time England had announced to the world that she would search our ships, in order to carry into effect the treaties she had negotiated with other nations upon this very subject matter. And now I am gravely told that I might have remained, after this, the representative of my country, because my official conduct and character were not affected.

"I am not considering which of us is right in his view of the proper course of the government respecting this treaty. I lay that

out of the question. I contend that, in my opinion, I was not sufficiently supported, and this being so, that I ought to have returned. You contend that my opinion has nothing to do with the matter; that the government took upon itself the responsibility, and therefore, even if a treaty had afterwards been negotiated 'containing provisions in the highest degree objectionable, however the government might be discredited,' the minister was free; and that his 'usefulness' could not be thereby affected.

"I shall not argue this point with you. It is a question of feeling, quite as much as of reasoning, and he who would remain at a foreign court under these circumstances, to represent a 'discredited' government, has no sentiments in common with me upon the subject. You state in your letter, dated December 20th, that a declaration guarding against this claim to search our vessels would have been 'no more suitable to this treaty than a declaration against the right of sacking our towns in time of peace, or any other outrage.' You enlarge upon this proposition, and, in fact, a considerable portion of your letter is occupied with the defense of the omission of such a declaration. You suppose I had advanced the idea 'that something should have been offered to England as a benefit, but coupled with such a declaration or condition, as that, if she received the boon, it would have been a recognition by her of a claim, which we make as a matter of right.'

"You add, that the President, satisfied of the justice of the American doctrine, has 'avoided to change this ground, and to place the just right of the country upon the assent, express or implied, of any power whatever.' 'The government thought no skillfully extorted promises necessary in any such cases,' &c. All this, and much more in your letter upon this topic, appear to me very extraordinary. I never made a suggestion of the nature you suppose. I never, for a moment, presumed the government would hold out to England a consideration for the disavowal of this pretension. What I really said, I will here repeat, from my letter to you of February 15th, 1842; but, before quoting the paragraph, I will make a quotation from what immediately precedes, to show that I had a correct notion of what would be the course of England. The *holy* Chinese war is ended, and the British army has withdrawn to the east of the Indies. The *pattern republic*, as we are contemptuously called, can now be attended to.

“After showing that this pretension to search our ships is a claim to which this country can never submit, I remark: ‘The next question is, will England yield?’ ‘It is our safer course to believe she will not, and, looking to her line of policy, that, too, is our natural course. Wherever she has planted a foot, whether on marsh, moor, or mountain, under the polar circles as under the tropics—I will not say *never*; that word does not belong to the deeds of man—but rarely has she withdrawn it. Whenever she has asserted a pretension, she has adhered to it, through good report and through evil report, in prosperity and in adversity, with an iron will and a firm hand, of which the history of the world affords no equal example since the proudest days of the Roman empire,’ &c.; ‘and the time has come when we must look her designs in the face, and determine to resist or to yield. War is a great evil, but there are greater evils than war, and among these is national degradation. This we have never yet experienced, and I trust we never shall.’

“‘If Lord Ashburton goes out with such modified propositions upon the various questions now pending between the two governments as you can honorably accept, the result will be a subject of lasting gratification to our country. And more particularly if, as I trust, before entering into any discussion, he is prepared to give such explanations as will show, that we have misunderstood the intentions of the British government respecting this claim of a right to change the law of nations, in order to accommodate it to their treaty stipulations and its practical consequences—a claim to enter and search our vessels at all times and in all places—this preliminary proceeding would be worthy of the gravity of the circumstances, and equally honorable to both governments.’

“Whether, in all I said above respecting the tenacity of England in the prosecution of her claims, new or old, I was justified by the characteristic traits of her history, let me be judged by the late emphatic declaration of the chief of the British cabinet, made to the House of Commons, and through them to the world; and which, we are significantly told, was cheered by both sides of the House; and whether I am right in saying that I never thought of proposing that a ‘benefit’ should be offered to England for the relinquishment of this pretension, as you alledge, let me be judged by my own words.

“My letter of December 11th is in accordance with these views. After stating the nature of this claim, I continue: ‘Now here, it appears to me, the government should have stopped. The English negotiator should have been told, We abhor as much as you do this traffic in human beings, and we will do all our peculiar institutions permit, to put an end to it. But we will not suffer this matter to be made the pretext for wounding our honor and violating our rights. We will not take a single step, till you have renounced this claim. We have already denounced it; and if we should negotiate upon this subject matter, without settling this preliminary question, it would seem like an abandonment of the ground we have taken, or an indifference to the consequences.’

“This last paragraph touches, in my opinion, the true issue between us of this part of the controversy. You say that the insertion of a declaration against the right of search ‘would have been no more suitable to this treaty, than a declaration against the right of sacking our towns in time of peace,’ &c., &c.; and hence draw the conclusion that its omission was both honorable and politic. As this sin of omission is the principal charge I make against this treaty, and as it is the one you labor most earnestly to reason away, I must be permitted again briefly to refer to it.

“The British government, in order, as they said, to execute certain treaties they had formed for the suppression of the slave trade, claimed the right to board and examine American ships. The American government denied this pretension, and thus stood the parties before the world. Then comes a British negotiator to our shores, to settle the subjects in difference between the two countries. Two of these are settled. One is this slave trade question—the very question which gave rise to the monstrous pretension that is preparing for us so much trouble. And this is distinctly admitted in the President’s message, which states that, ‘after the boundary, the question which seemed to threaten the greatest embarrassment was that connected with the African slave trade.’

“You negotiated upon the subject matter, knowing the construction the British government had given to its other slave trade treaties, and knowing, what is clear in itself, as stated in my letter of October 3d, 1842, and what Sir Robert Peel has now fully confirmed, that ‘if a British cruiser meet a vessel bearing the American flag, where there is no American ship to examine her,

it is obvious that it is quite as *indispensable* and *justifiable* that the cruiser should search this vessel to ascertain her nationality, since the conclusion of the treaty, as it was before.' The error, therefore, was in negotiating upon this very subject, leaving to the other party to say, we have concluded an arrangement respecting the slave trade with you, since our mutual pretensions concerning the right of search have been made known; you were aware that our claim arose out of that subject, and, as you have not guarded against it, we shall enforce it.

"As to the analogy between such a claim and one to sack a town in time of peace, it is a sufficient answer to say, that when such a pretension is solemnly put forth to the world by England, I shall think any government deserving the severest reprobation, which would go on and negotiate upon a subject matter connected with the origin of such a claim, without sufficient security against it; more particularly if, as in this case, the subject matter relates to a question of general benevolence, urged upon us, no doubt, by *the most philanthropic motives*, but which no just principle requires us to intermeddle with, at the sacrifice of the first attributes of our independence.

"You make some remarks upon the impropriety of requiring from any nation a solemn renunciation of an unjust pretension, and you proceed to observe that the President 'has not sought, but, on the contrary, has sedulously avoided, to change the ground and to place the just rights of the country upon the assent, express or implied, of any power whatever.' 'The government thought no skillfully extorted promises necessary in any such cases.'

"As to the extortion of promise, it is a question of ethics, which has no place here. As to the propriety of requiring a nation formally to disavow an unjust pretension before entering into a negotiation with her, or, if she will not do so, of then telling her, we shall stand upon our public denial of your claim, and will not negotiate with you, it seems to me that such a course is equally honorable and politic. Is not diplomatic history full of these efforts to procure such disavowals? and who before ever expressed a doubt of the policy of these measures? Have we not, time after time, endeavored to induce England to stipulate, that she would not impress seamen from our ships? And did you not, in the course of the late negotiation with Lord Ashburton, strive

to procure the solemn abandonment of this claim? There is conclusive proof of this in your letter to the British Minister, of August 8th, 1842, where you say, after having conversed with him, that 'the government of the United States does not see any utility in opening such negotiation, unless the *British government is prepared to renounce the practice in all future wars.*'

"You remark, also, in the same letter, that 'both before and since the war, negotiations have taken place between the two governments, with the hope of finding some means of quieting these complaints' (of impressment). You allude, also, to the convention formed for this purpose by Mr. King, in 1803, and to the 'utter failure of many negotiations upon this subject.'

"Were all these fruitless efforts, so long carried on, liable to the objection you raise, that any nation, calling upon another to disavow an unjust pretension, weakens its own cause, and 'that no interpolation of a promise to respect them, (that is, our rights and dignity,) ingeniously woven into treaties, would be likely to afford such protection.'

"Now, what becomes of the analogy you seek to establish, and which, by a *reductio ad absurdum*, is intended to show that these conventional disavowals of contested pretensions are 'skillfully extorted promises,' inconsistent with our dignity and interests? What becomes of the claim to sack our towns in time of peace, and of 'protests,' which you liken to Chinese figures painted on cities, to frighten away the enemy?

"From the time of Washington to this day, almost every administration has sought to procure from the British government a solemn relinquishment of her claim to impress our seamen, and never before was it discovered that the effort was unworthy and dishonorable.

"And, during all the period of the long war between England and France, at the close of the last century and at the beginning of this, when the laws of nations and the rights of neutrals were equally contemned, how many attempts were made by our government to induce that of Great Britain to abandon her unjust pretensions, and to stipulate that she would no more exercise them? and that, too, for a 'boon.' Our public documents are filled with proofs of this. I shall refer to one or two, which even you will deem conclusive.

"In a letter from Mr. Madison to Messrs. Monroe and Pinkney,

dated May 20th, 1807, our negotiators are told that, 'without a provision against impressment, substantially such as is contemplated in your original instructions, no treaty is to be concluded.'

"Again, in a letter from Mr. Madison to Mr. Monroe, dated January 5th, 1804, the former remarks that 'the plan of a convention, contemplated by the President, is limited to the cases of impressment of our seamen, of blockades, *of visiting and searching our vessels*, of contraband of war, and of the trade with hostile colonies, with a few other cases, affecting our maritime rights, *embracing, however, as inducements to Great Britain to do us justice* therein, a provision for the surrender of deserting seamen and soldiers, and for the prevention of contraband supplies to her enemies.'

"Then follows the plan of a convention for these purposes.

"And this *project* was the work of Mr. Madison, directed by Mr. Jefferson, and addressed to Mr. Monroe. The 'rights and dignity' of the United States were as safe in their hands as they will ever be in mortal hands. And even if I had recommended, as I have not, a 'boon,' or 'favor,' or 'benefit,' to be given to England, in consideration of her relinquishment of this offensive claim, I should not have wanted higher precedents to justify me.

"You object to the suggestion I made, that a declaration should have accompanied the ratification of the treaty, denying the right to search our ships; and you ask, apparently emphatically, if this had been done, and if the British 'government with equal ingenuity had appended an equivalent written declaration that it should not be considered as sacrificing any British right, how much more defined would have been the right of either party, or how much more clear the meaning and interpretation of the treaty!'

"I am very unwilling to believe you do not wish to deal sincerely with me in this matter; and I must, therefore, attribute the strange error you have committed in the construction of my language, to a hasty perusal of it. Had you read it with due care, you would have found that I spoke not of an *ex parte* declaration, but of a declaration mutually assented to, and which thereby would have become a portion of the treaty: a declaration, putting a construction upon the instrument, which would thus have been ratified with a knowledge of it. After meeting your assertion, that the tendency of my letter was to impute blame to the President

and Senate for the ratification of the treaty, and showing that it was not the ratification but the negotiation I censured, I add, 'I am under the impression, if I had had a vote to give, I should have been found among the majority upon that occasion. This, however, would have been upon the condition that some declaration should be annexed to the act of ratification, denouncing the pretension to search our ships. I would thus have sent the instrument to the British government, and placed upon them the responsibility of its final rejection or ratification, and I am sure we should have had the opinion of the world with us under such circumstances.' I need add nothing to this branch of the subject. It is clear, that I spoke here of a conditional ratification, depending upon the assent to be given by the other party to the declaration concerning the claim of search. There would have been here no room for the diplomatic retort you suggest. There could have been no counter declaration, for then the whole arrangement would have been void. As I said in my letter of December 11th, 'Had this course been pursued, the sincerity of the British government would have undergone a practical test, from which there would have been no escape. It would not have been necessary to quote the last despatch of Lord Aberdeen to show what he meant in another, or Lord Palmerston in the first. If such a proposition had been made and accepted, our honor would have been vindicated, our rights secured, and a bright example of sincerity and moderation would have been given to the world by a great nation. If it had been rejected, that would have proved that our co-operation in the suppression of the slave trade was a question of minor importance, to be sacrificed to the preservation of a pretension intended to introduce an entire change into the maritime police of the world.' 'Why this very obvious course was not adopted, I am utterly at a loss to conjecture; and that it was not, is precisely the objection to which the whole arrangement is liable. Instead of the high ground we should then have occupied, we find ourselves seriously discussing the question whether or not England will enforce this claim.'

"There was a very uncourteous tone pervading your letter to me of November 14th, 1842; a kind of official loftiness, which, however it may suit other meridians, does not belong to an American functionary writing to an American citizen. My answer to that letter was very hastily written. It was prepared, as you

will perceive by the date and by your receipt of it, the very day the postmaster of New York handed me your communication.

"I was aware that the subject ought to occupy more time, and that justice was not done to it. But you had intimated pretty distinctly in your letter, that our correspondence was to be published, and I was apprehensive it might, somehow or other, find its way to the public before I could correct the erroneous impression which your letter was calculated to produce. Under these circumstances, my attention was drawn to the general course of reasoning, rather than to the mode in which this was conveyed; and, although there were one or two paragraphs, so plainly uncourteous, that they could not escape my observation, still I passed them by, having little taste for a war of words; but, in your letter dated December 20th, and received February 23d, these offensive expressions are repeated, and the same process is adopted to prove me guilty of misstatement, which is contained in the preceding letter. I met this attempt at that time without any reference to the language which you used; I shall meet it again; but I shall take leave to precede my defense by reminding you of the comity which an American Secretary of State owes to his countrymen. You say 'the President is not a little startled that you should make such totally groundless assumptions of fact, and then leave a discreditable inference to be drawn from them. He directs me not only to repel this inference, as it ought to be repelled, but also to bring to your serious consideration and reflection the propriety of such an assumed narrative of facts as your dispatch, in this respect, puts forth.'

"'The President can not conceive how you should have been led to adventure upon such a statement as this. *It is but a tissue of mistakes.*' 'All these statements, thus by you made, and which are so exceedingly erroneous,' &c.

"And, in your last letter, you say that, 'in attempting to escape from some of the mistakes of this tissue, you have fallen into others,' &c.

"Following your example, it would have been easy to find a retort for these expressions, which would want neither point nor truth. But my own self-respect, and, still more, my respect for that great tribunal of public opinion, which is to judge between us, forbid me from imitating your course upon this occasion. I would remind you, that there is nothing in your official position,

nothing in our relative situation, which can justify this lofty assumption of superiority. I doubt if a parallel can be found in diplomatic history since Napoleon swayed the destinies of the world. But the use which you make of the President's name in this undignified language, is even more to be regretted than the epithets themselves. That high functionary should not be invoked, when a private citizen is thus assailed. Under different circumstances, such conduct might be imitated by the other party, and a system of crimination and of recrimination introduced into the correspondence of the Department, equally injurious to the public interest, and incompatible with the public honor. Upon the present occasion no such result will happen. I have too much respect for the Chief Magistracy of my country, and too much regard for the distinguished individual who occupies that high post, to introduce his name unnecessarily into this discussion; and, notwithstanding you have appealed to him, I shall still consider the language as yours, and not as his. Many others would not be as forbearing. I say the 'language,' for it is that which I censure. I do not question your right, nor the right of any other person, freely to examine and to meet statements and arguments at discretion; but let this be done with the courtesy of a gentleman.

"I shall now proceed, as briefly as possible, to examine these charges of *an assumed narrative of facts*; of *groundless assumptions*, and of *a tissue of mistakes*, which you have once and again preferred against me. But, first, let us see what is the grave fault you alledge I have committed. I will state it in your own words:

"Before examining the several objections suggested by you, it may be proper to take notice of what you say upon the course of the negotiation. In regard to this, having observed that the national dignity of the United States had not been compromised down to the time of the President's message, at the last session, you proceed to say: But England then urged the United States to enter into a conventional arrangement, by which we might be pledged to concur with her in measures for the suppression of the slave trade. Until then, we had executed our own laws in our own way. But, yielding to the application, and departing from our former principle, of avoiding European combinations upon subjects not American, we stipulated, in a solemn treaty, that we

would carry into effect our own laws, and fixed the minimum force we would employ for that purpose.'

"After this quotation, you thus continue: 'The President can not conceive how you should have been led to adventure upon such a statement as this. It is but a tissue of mistakes. The United States yielded to no application from England; the proposition for abolishing the slave trade, *as it stands in the treaty*, was an American proposition; it originated with the executive government of the United States, which cheerfully assumes all its responsibility. It stands upon its own mode of fulfilling its duties, and accomplishing its objects. Nor have the United States departed, in this treaty, in the slightest degree from their former principles, of avoiding European combinations upon subjects not American; because the abolition of the African slave trade is an American subject as emphatically as it is an European subject, and, indeed, more so, inasmuch as the government of the United States took the first great step in declaring that trade unlawful, and in attempting its extinction. The abolition of this traffic is an object of the highest interest to the American people and the American government; and you seem strangely to have overlooked the important fact, that nearly thirty years ago, by the treaty of Ghent, the United States bound themselves, by a solemn compact with England, to continue 'their efforts for its entire abolition,' both parties pledging themselves, by that treaty, to use their best endeavors to accomplish so desirable an object.'

"Again, you speak of an important concession made to the renewed application of England. But the treaty, let it be repeated makes no concession whatever to England. It complies with no demand, conforms to no request. All these statements, thus by you made, and which are so exceedingly erroneous, seem calculated to hold up the idea that, in this treaty your government has been acting a subordinate or even a complying part.' And then follows the grandiloquent passage I have already quoted, commencing in such a solemn style, that the President was 'startled' at all these grievous offenses of mine.

"Thus stands your charge in the letter of November 11th, 1842. It is renewed in that of December 20th. In my answer to the first I vindicated myself, and I thought successfully, against your complaint, and never supposed it would again rise up in judgment against me. I told you, that you had qualified as a tissue of

mistakes a paragraph which contained one statement, as a fact, to wit: that England had urged our government to enter into a treaty stipulation for putting an end to the slave trade, to which we yielded. I told you still further, why I, as well as the world, supposed that the application for this stipulation came from England. She had pursued this object steadily for forty years, and she had sent out a special minister charged to negotiate upon that as well as upon other subjects. We had no interest to form a slave trade convention. You refer to the treaty of Ghent as creating obligations upon this matter, but that treaty makes not the slightest allusion to any further arrangements, and has no more connection with the treaty of Washington than with the convention respecting armed vessels upon the lakes. It was complete in itself, and neither required nor looked to any other stipulations between the parties. And we had executed it in good faith.

“For these reasons, I supposed that Lord Ashburton came out to propose to us to enter into another treaty upon this subject; and I thus stated it as an historical fact. In my answer, I further called to your observation that the rest of the paragraph was matter of inference or deduction, not admitting qualifications applicable, not to inferences, but to assertions. As I shall, by and by, have occasion to refer again to this branch of the subject, I shall not pursue it any further at present.

“In your last letter you reiterate, in substance, what you had previously said, and add, that ‘it would appear from all this, that that which in your first letter appeared as a direct statement of fact, of which you would naturally be presumed to have had knowledge, sinks at last into inference and conjecture.’ Now, here is a very obvious error, which, by the slightest attention to what I said, would have been avoided; but I will not qualify the mistake as a *tissue* of anything. I did not say that the statement of facts to which you refer was all matter of inference. I said, expressly, that the statement respecting the desire of England, that we should enter into this negotiation, was put forward as a well-known fact, but that ‘all else—I repeat it, all else—to the very least idea, is matter of inference.’ Let the correctness of this assertion be judged by a reference to the paragraph. You continue: ‘But in attempting to escape from some of the mistakes of this tissue, you have fallen into others.’

“You then refer to my statement, that England continued to prosecute the matter, and that we consented to its introduction. This, however, it is very clear, is but the same idea before suggested and combated in your first letter. You say ‘the English minister no more presented the subject for negotiation than the government of the United States presented it.’

“You then ask me to ‘review my series of assertions on this subject, and see whether they can possibly be regarded merely as a statement of your own inferences.’

“It would be but a waste of time to repeat what I have already said, that I assumed as an historical fact, believed by everybody, that Lord Ashburton came to urge the negotiation of this treaty, and that upon this point we yielded to the desire of England. When you say this is one of the ‘inferences’ to which I refer, you furnish me with language and statements which are not my own.

“But, after all, why this strange pertinacity in dwelling upon this point? Why this studied and repeated attempt to prove me guilty *of a tissue of mistakes*, because I believed Lord Ashburton submitted propositions upon the question of the slave trade, and that our government acceded to them? I have already shown that this opinion was a natural one, and held in common with the country, and I trust I shall show this still more clearly. But even if not so, how does this change the state of things? Does it prove that the negotiator was more sagacious, or the treaty more useful and honorable? The result is the same, and the inquiry is therefore confined to the process. You will please to recollect, I objected that we had yielded to the application of England, and made a treaty upon this subject, without guarding against a dishonorable pretension she had advanced respecting it.

“This is the whole charge which has provoked all this ‘startling’ reproof. To this you answer, as though this answer took away all censure, that the ‘British Minister no more presented the subject for negotiation than the government of the United States presented it;’ that is, in other words, *that the matter was jointly conducted and terminated*. And is it possible you can believe that this circumstance takes away the grave responsibility of an improvident arrangement, which left us worse than it found us? and, what is sincerely to be deplored by every American, which led the President of the United States, in his annual

message to Congress—a document read by the world—to put a construction upon this instrument which the English Prime Minister has contradicted in the most solemn manner, and in no measured terms? The President, in his message of 1841, says that this claim of ‘visit and inquiry’ was ‘regarded as the right of search, presented only in a new form, and expressed in different words,’ and he adds that he had denounced it as inadmissible by the United States. He then proceeds to speak of the recent treaty, and thus continues: ‘From this it will be seen that the ground assumed in the message, (to wit, that the United States would never submit to this new-fangled claim of ‘visit and inquiry,’) has been fully maintained, at the same time that the stipulations of the treaty of Ghent are to be carried out in good faith by the two countries, and *that all pretense is removed for interference with our commerce for any purpose by a foreign government.*’

“This construction the English government deny, and boldly avow their adherence to the claim to board and examine our vessels. Now, where can you find one word in the treaty which but intimates that this question respecting ‘visitation’ has been even taken up or touched? Unfortunately, no such word is there; nor is there any principle of sound construction which can supply its place. What I said to you, in my letter of October 3d, upon this topic, may, perhaps, produce more impression now than it did then. It has been marvelously confirmed. I remarked: ‘In carefully looking at the 7th and 8th articles of the treaty, providing for the suppression of this traffic, I do not see that they change in the slightest degree the pre-existing rights claimed by Great Britain to search our ships. That claim, as advanced both by Lord Palmerston and Lord Aberdeen, rests on the assumption that the treaties between England and other European powers upon this subject could not be executed without its exercise, and that the *happy concurrence of these powers not only justified, but rendered it indispensable.* By the recent treaty we are to keep a squadron on the coast of Africa. We have kept one there for years; during the whole time, indeed, of these efforts to put a stop to this most iniquitous commerce. The effect of the treaty, therefore, is to render it obligatory upon us, by a convention, to do what we have long done voluntarily—to place our municipal laws in some measure beyond the reach of Congress, and to increase the strength of the squadron employed on this duty.

“ ‘But if a British cruiser meet a vessel bearing the American flag where there is no American ship of war to examine her, it is obvious that it is quite as *indispensable* and *justifiable* that the cruiser should search this vessel to ascertain her nationality, since the conclusion of this treaty as it was before. The mutual rights of the parties are in this respect wholly untouched ; their pretensions exist in full force, and what they could do prior to this arrangement they may do now ; for though they have respectively sanctioned the employment of a force to give effect ‘to the laws, rights, and obligations of the two countries,’ yet they have not prohibited the use of any other measures which either party may be disposed to adopt.’

“ What was opinion when I wrote, has now become fact.

“ In all this I beg not to be misunderstood. I do not wish again to subject myself to the charge you made against me of favoring the pretensions of England. That is one of the last offenses I desire to commit, or, if I know myself, that I am likely to commit. I think the pretension she advances to search our vessels, and to call this search a ‘visitation,’ is one of the most injurious and unjustifiable claims of modern days. I would meet the first exercise of it by war. It leads directly to impressment, and subjects our whole commercial marine to the mercy of a jealous rival. It is but another step in her march towards universal domination. I do not believe our government have acknowledged this claim, or ever thought of acknowledging it. I believe the President and all his cabinet are too honorable and too patriotic ever to harbor a thought of their surrendering one of our proudest national rights. But, as I said before, it is an act of omission, and not of commission, I censure. It is because a treaty has been made embracing the slave trade, and because no security is found there against the exercise of this pretension, which threatened, as the President said in his message, the greatest embarrassment, and was ‘connected with the African slave trade.’

“ But to return to your charge of my want of good faith in this ‘tissue of mistakes.’ In any discussion concerning the origin and nature of the propositions which led to the 7th and 8th articles of the treaty of Washington respecting the slave trade, you have greatly the advantage over any antagonist. It is a remarkable fact, and without precedent, probably, in modern diplomacy, that not one written word is to be found in the documents relating to

this treaty, which passed between the negotiators, and which led to this new and important stipulation. I presume these functionaries met often, and conversed upon the various topics pending between them, and that then some protocol of their meeting, or some correspondence, was prepared, embodying their views. One would suppose that this course was necessary, as well for themselves as for the information of their governments, and, I may add, in the case of the American negotiator, for the information of the people—equally his sovereign and the sovereign of the government he represented. Was all this omitted, or has it been suppressed? As was said by a Senator from Pennsylvania, in the debate upon the ratification of the treaty, and said with as much truth as beauty: ‘The tracks of the negotiators were upon sand, and the returning tide has effaced them forever.’

“In the question relating to impressment there is no such reserve. We have a letter on that vital subject from each party; and yet this correspondence led to nothing, and when it was prepared, it was known it would lead to nothing. Why it is there, it passes my comprehension to judge. When, in conversation with the British negotiator, you found he was not prepared to make any concession upon this subject, why introduce it at all, and give his government another opportunity to assert its pretension, and to avow its determination to enforce it? What was gained by this? You could hardly expect to shed new light upon a question discussed by Jefferson and Madison; and you could hardly expect that any declaration of resistance to the practice could be more emphatic than the resistance of the last war, and the numerous remonstrances against the doctrine with which our diplomatic history abounds. An important subject is introduced into the treaty without any discussion, and another, still more important, is discussed without introduction, and with the full knowledge that it would not be introduced. Allow me again to spread before you the paragraph you quote, and which contains the ‘tissue of mistakes’ which occupies so conspicuous a place in your letter:

“‘But England then urged the United States to enter into a conventional arrangement, by which we might be pledged to concur with her in the measures for the suppression of the slave trade. Till then we had executed our own laws in our own way; but, yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not

American, we stipulated in a solemn treaty that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose.'

"This is the whole charge, as you make it. This is the paragraph in reference to which you say, 'the President can not conceive how you should have been led to adventure upon such a statement as this.' Now let us analyze this matter, and see if it is as 'startling' as you suppose. How many facts are here stated? and, of these, how many are denied or doubted?

"First.—England urged us to make a treaty for the suppression of the slave trade.

"Second.—We yielded to this application.

"Third.—Before then, we had executed our own laws in our own way.

"Fourth.—We departed thereby from an old principle of avoiding European combinations upon subjects not American.

"Fifth.—We stipulated we would carry into effect our own laws.

"Sixth.—We fixed the minimum force we would employ for that purpose.

"Here is the whole indictment. Now for the defense.

"I suppose I may pass over the second fact. It depends entirely upon the first, and is, in truth, a part of it. If England urged this treaty upon us, and we thereupon assented to the negotiation of it, we of course yielded to the application. I suppose I may pass over the third fact: no one will dispute its truth; or, if it is denied, let it be shown when, before now, our laws were enforced by virtue of treaty stipulations. I suppose I may pass over the fourth. It is matter of opinion, as I said in my former letter—of inference. No one can place it in that category of facts, for the truth of which he who advances them is morally responsible. You say that the suppression of the slave trade is interesting to the United States, and that therefore we have not departed, in the formation of the treaty, from the wholesome maxim of non-combination. I say it is interesting, also, but that our duties can be fully performed without any European combination; and that such a mutual arrangement is injurious, and violates one of the articles of our political faith: and, in proof of the danger of these arrangements, I refer to the 'perpetually recurring difficulties which are presenting themselves in the execution of the conventions between France and England upon this subject.' I suppose

I may pass over the fifth fact, for no one can question that, by the treaty, we do stipulate to carry into effect our own laws. The eighth article expressly declares that the object is 'to enforce the laws,' &c., of each of the two countries. I suppose, also, I may pass over the sixth fact, for the same eighth article provides that the squadron to be employed in suppressing the slave trade shall 'carry in all not less than eighty guns.' Here is the minimum. We thus remove five of these condemned facts from the act of accusation. There remains one to support the charge you have made, and to justify the unqualified language you have employed. And what is this solitary proof of my bad faith? Here it is. I said that England had urged our government to enter into stipulations for suppressing the slave trade, to which we had yielded. I am 'startled' myself at the importance you attach to my views of this matter, and to the gravity of the reproof these have led to. I have already remarked, that all the world supposed Lord Ashburton came here with propositions upon this, as well as upon some other subjects, in dispute between the two governments; and, at the moment I am writing, I find in the papers an extract of a letter from Mr. Everett to you, presented to the House of Representatives by Mr. Cushing, which fully confirms my previous impressions. In that letter Mr. Everett says, he was told by Lord Aberdeen, on the 27th of December, 1841, that Lord Ashburton was going to the United States 'with full power to settle any point in discussion, embodying what was called the right of search, which was the most difficult.' And another incident comes opportunely to confirm all this. It is the statement of a Senator who, from his position, ought to know the circumstances, and who, from his high character, is entitled to all credit: Colonel King said, in the Senate, on the 23d ultimo, speaking of this claim to visit our vessels, 'It was intolerable. Here, then, was a direct point of collision, and that was what brought Lord Ashburton to this country with the view of adjusting this difficulty.'

"I may express the surprise I felt when I read the following paragraph in your last letter, urged with as much emphasis as though the merits of the treaty, and of our whole controversy, turned upon this point; truly, when such undue importance is given to a topic so little meriting it, when its discussion occupies seven folio pages of your last letter, and three pages of its predecessor, and when the view you present is most elaborately prepared,

I may well presume that a substantial defense of your various positions is not easily found. This is the paragraph :

“Suppose your letter to go before the public unanswered and uncontradicted; suppose it to mingle itself with the general political history of the country, as an official letter among the archives of the Department of State; would not the general mass of readers understand you as reciting facts, rather than as drawing your own conclusions? as stating history, rather than as presenting an argument? It is of an incorrect narrative that the President complains; it is that, in your hotel in Paris, you should undertake to write a history of a very delicate part of a negotiation carried on at Washington, with which you had nothing to do, and of which you had no authentic information, and which history, as you narrate it, reflects not a little on the independence, wisdom, and public spirit of the administration.’

“Strange, indeed, that this ‘history,’ and ‘narrative,’ and ‘delicate part of a negotiation,’ &c., &c., &c., are to be charged to a simple suggestion, or assertion, if you please, that Lord Ashburton came over to make propositions to the government respecting the slave trade, which were accepted.

“But, before quitting this topic, I shall appeal to your own authority. You remarked to me, in your letter of November 14th, that ‘the United States yielded to no application from England. The proposition for abolishing the slave trade, *as it stands in the treaty*, was an American proposition: it originated with the executive government of the United States, which cheerfully assumed its responsibility.’ You remarked, in your letter of December 20th: ‘Now the English minister no more presented the subject for negotiation than the government of the United States presented it; nor can it be said that the United States consented to its introduction in any other sense than it may be said that the British minister consented to it.’ All this is too diplomatic for me. I can neither clearly comprehend what is meant in the last quotation, nor, so far as I comprehend it, can I reconcile it with the other. Whether either fairly contradicts my suggestion, that the introduction of the slave trade stipulation into the treaty was due to the application of England, I leave to those who are more competent to judge your language than I am, to determine. At first, it is a guarded proposition, that the provision, *as it stands in the treaty*, is the work of the American government; and, at last, this

provision owes its paternity as much to one government as to the other.

“But I may well appeal to your own candor to say if the special pleading in the first quotation meets the issue between us. I said we consented to the introduction of the slave trade stipulation into the treaty upon the application of England, and you do not spare your reproof for this assertion through ten pages of your letters, because the proposition, *as it stands in the treaty*, was an American proposition.

“But, if you mean by all this, that Lord Ashburton did not make any proposition to our government upon this subject, but that you pressed it upon him, as you would seem to intimate, in order to repel the suggestion I made, then I must be permitted to say that there is nothing more extraordinary in all our diplomatic history. I shall not enlarge upon this topic, but merely ask what benefit an American negotiator saw for his country in this arrangement, connecting us with another nation, and exposing us, both in principle and practice, to consequences which human sagacity can not even conjecture? I will ask, in the words of the President's message, *what adjustment of a difficulty of great magnitude and importance*, in relation to this matter, took place, if it was not this very question? What other ‘embarrassment (still in the words of the message,) was connected with the African slave trade?’ Both Lord Palmerston and Lord Aberdeen, in 1841, expressly disavowed the right to search American vessels, with a view to prevent their engaging in the slave trade. They both declared, and Sir Robert Peel repeated the declaration in his late speech, (I quote the words of the last :) ‘The right of search, connected with American vessels, we entirely disclaim. Nay, more; if we knew that an American vessel was furnished with all the materials requisite for the slave trade, &c., still we should be bound to let that vessel pass on.’ And that our government knew these views, is distinctly stated by the President, in his message, who says that Lord Aberdeen ‘expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the pretension to a mere claim to *visit and inquire*.’ ‘This claim,’ the President adds, ‘was regarded as the right of search presented only in a new form and expressed in different words, and I, therefore, felt it my duty to declare, in my annual message to Congress, that no such concession could be

made ; and that the United States had both the ability and inclination to enforce their own laws,' &c. I repeat, then, what other point remained to be *adjusted* upon this general subject, but this very claim of *visitation*? and if this was not adjusted, as it is now clear it was not, what 'adjustment' did take place? And why was the stipulation introduced into the treaty, as though we could not keep a squadron on the coast of Africa, and execute our own laws, without binding ourselves in a solemn convention with Great Britain to do so?—and all this, you intimate, without even a request on her part!

“I here close this controversy ; and I shall close the correspondence by a few remarks upon the serious position in which our country is now placed. It affords me no pleasure to find that all I foretold, respecting the course of the British government in relation to this pretension to search our ships, has been signally confirmed by the recent declaration of Sir Robert Peel. The accomplishment has soon, too soon, followed the prediction. I said, in my letter to you of February 15th, 1842, as I have already stated, that England rarely, if ever, abandoned a pretension, and that, in my opinion, she would enforce this. And in my letter to you of December 11th, 1842, speaking of the probability that she would carry into effect her doctrine, I said : ‘That she will do so when her interest requires it, I have no more doubt than I have that she has already given abundant proofs that the received code of public law is but a feeble barrier when it stands in the way of power and ambition. Both Lord Palmerston and Lord Aberdeen tell us she will.’ And now a greater than either has said so, and, as the London *Times* expresses it, he has said it in the most emphatic manner. And what, then, is our position? Sir Robert Peel has declared that the British government never will relinquish this claim to *search* our vessels, calling it a *visitation*; and the London *Times*, the great exponent of the principles and purposes of the English government and aristocracy, said, on the 31st of last December, a month before this declaration, that ‘England has not abandoned one tittle of her claim (to search our vessels); the treaty does not afford the smallest presumption that she has; and the United States would find that the right would continue to be unflinchingly, (aye, that is the word,) unflinchingly exercised.’ And it adds, that this ‘essential right of the British navy’ would never be relinquished. Sir Robert Peel is a cautious

statesman. He does not deal in abstractions. He does not make declarations, in the face of the world, to remain inoperative, particularly when such declarations are cheered by both sides of the House, in a manner to show, beyond a doubt, that they are responded to by the public feeling of the country. And the *Times*, well informed of the views of the government a month before they were communicated to the nation, would not have said that *the right would be unflinchingly exercised*, if it were to remain a dead letter.

“We all know to what this pretension leads, and to what it is intended to lead: that it will virtually subject our whole commercial marine to the English navy. It is an insult to the common sense of the world to talk about a difference, in their effects, between a search for one purpose, and a search for another; and to call a search to ascertain the character of a vessel, and to carry her in for condemnation—at the will of a midshipman, perhaps, if he believes, or affects to believe, she belongs to one country and claims to belong to another—to that great gulf, always ready to swallow American property, a British court of admiralty,—to call, I say, such a search a *visitation*, and, by this change of name, to justify the pretension—all this was reserved for the nineteenth century. For, what is a ‘visitation?’ It is not enough to look at the flag; for any ‘bunting,’ as Lord Palmerston calls it, may be hoisted. It is not enough to look at the men, for all marines contain foreigners as well as natives. It is not enough to look at the papers, for these may be simulated. It is not enough to look at the log-book, for that may be false or forged. It is not enough to look at the cargo, for that proves nothing. But it is obvious that all these will be looked at to satisfy the inquisitor and his inquisition.

“The London *Sun* said, last year, very justly, ‘If the Americans sanction the examination of their ships, for the mere purpose of ascertaining if a vessel bearing the American flag is *bona fide* an American vessel, they sanction a rigid examination of the vessel herself.’ And it is to be borne in mind, that the right to examine pre-supposes the right to send in, if the examination is not satisfactory to the officer, and to condemn, if not satisfactory to the judge. What follows, let our history from 1793 to 1815 tell.

“But this is the least injury sought to be entailed upon us. Heretofore, agreeably to her own doctrine, England could only

impress our seamen in time of war; for she claimed the right to board our vessels, merely as a belligerent right, which ceased when she was at peace. And she conceded—and so said the Prince Regent, in his celebrated declaration of January 9, 1813, in answer to the manifesto of the American government—that a British cruiser could not board an American ship for the purpose of impressment; but that, having once entered under a legal right, then the boarding officer could seize whoever he pleased, to be transferred to a foreign navy, there to fight against his own country. Now, the British government has devised a plan by which our vessels may be boarded in time of peace, and thus the whole seamen of the United States may be placed at the disposition of England, in peace and war.

“We now understand the full value of impressment, and why Lord Ashburton would not relinquish it; and we understand what the London *Times* means when it says that ‘this right of visitation, which is to be ‘unflinchingly exercised,’ is essential to the British navy.’

“No pretension, in modern times, has advanced more rapidly than this. It is but a year or two since Lord Stowell, the well-known English Admiralty judge, solemnly decided that ‘no nation can exercise a right of *visitation* (mark that word!) and search upon the common and unappropriated part of the ocean, except upon the belligerent claim.’ And still later, the Duke of Wellington said, in the House of Lords, ‘that if there was one point more to be avoided than another, it was that relating to the *visitation* of vessels belonging to the (American) Union.’ The first time we heard of this pretension, as a serious claim, was from Lord Palmerston, on the 27th of August, 1841, and the next was from Lord Aberdeen, on the 13th of October following; and it was then put forth as ‘indispensable and justifiable,’ in the execution of certain slave treaties formed with the ‘States of Christendom.’ Now the British government claim that it has become a settled part of the law of nations. And our ships are to be searched, says Sir Robert Peel, to ascertain if a ‘grievous wrong has not been done to the American flag.’ This is really one of the most extraordinary assumptions of modern days. Our flag is to be violated, to see if it has been abused! The whole country knows where the ‘grievous wrong’ would be, if this principle were carried into practice.

“There are a thousand reasons, founded upon common ancestry, upon language, upon institutions, and upon interest, why we should earnestly desire peace with the English people; but will their government permit it? This I doubt. England has great power, and she is not slow to exercise it. She has great pride, and she is not slow to indulge it. We are in the way both of her ambition and of her interest; and ambition and interest need never march far in search of pretexts for war.

“It becomes every American to ask, if he is prepared to yield this right of search. For myself, I think it is better to defend the outworks than the citadel; to fight for the first inch of territory rather than for the last; to maintain our honor when attacked, rather than to wait till we have none to be attacked or maintained; and such, I trust and hope, will be the unwavering determination of the government and of the country.

“What I anticipated, when I commenced this letter, has come to pass. The documents called for by Colonel Benton have been sent into the Senate, as I perceive by the last papers. Your recent letter will now go out with the others, and reach the American people. I have no means of clearing myself from the difficulties you have spread round me, but by submitting my views, as you have submitted yours, to the decision of the country. I am now a private citizen. Twice, since I became such, you have presented to me, in elaborately prepared documents, your sentiments upon some important topics, arising out of the late treaty. These documents now make part of the political history of the country. There are, therefore, no considerations of duty, nor of propriety, to restrain me from appealing to the same great tribunal to judge between us,—from endeavoring to redeem myself from some severe charges you have made against me. I have been written *at*, but the public have been written *to*. I shall, therefore, not hesitate to authorize the immediate publication of this letter, being little disposed to leave it to be buried in the archives of the Department of State.

“At the moment of signing my letter, the President’s message of February 27th, 1843, respecting the treaty of Washington and the right of search, has reached me. I think every American should go with the President in his reprobation of this doctrine. I refer, however, to the message, to say, that had it been in my possession when the body of this letter was prepared, I should have quoted

it instead of quoting the other messages, because in this the views are more elaborately prepared than in those, showing that the claim of *visitation* was perfectly comprehended by our government when this treaty was negotiated; that it was denounced as wholly inadmissible, and that the treaty was supposed to have made 'a practical settlement of the question.'

"One or two reflections force themselves upon my mind, which I shall submit to you, even at this late moment.

"In the first place, this claim to search our vessels, under the pretense of *visiting them*, though connected in its origin, or rather announced as connected, with the African slave trade, is co-extensive with the ocean. The principles upon which it rests, so far as they rest on any, are of universal application; for wherever a British cruiser meets a vessel bearing the American flag, such cruiser may wish to know if a 'grievous wrong' has been committed, and whether she is truly what she appears to be.

"Such are the necessary consequences of this doctrine, and such we now ascertain is the extent to which it is to be pushed. It is distinctly announced by Sir Robert Peel, in his late speech, that this right of visitation is not necessarily connected with the slave trade, and this is confirmed by the *Times*, which says, 'that this right has obviously no intrinsic or necessary connection with the slave trade,' and 'that it is a part of the marine code of nations.'

"How, then, could a conventional arrangement, obliging us to keep a squadron upon the coast of Africa, guard against its exercise, or 'supersede,' in the words of the message, 'any supposed necessity, or any motive, for such examination or visit?' Again: how could it guard against these effects, even if the operation of the doctrine were limited to search or visitation in slave trade latitudes? England said to us — We have made a treaty with France, by which we have a right to search her ships, and to send them in for condemnation, if they are engaged in the slave trade. If we can not search your ships, we can not execute this treaty, because a French vessel, by hoisting an American flag, will place herself beyond the reach of our cruisers; therefore, we shall *visit* your ships.

"Now, it is manifest, that our squadron upon the coast of Africa will not change in the slightest degree this state of things. A French vessel may still hoist an American flag, and thus protect a cargo of slaves, so far as this protects it, in any part of the great

ocean, from the African coast to the coast of Brazil. Is this squadron of eighty guns, or is any vessel of it, to be everywhere? And where it is not, what will prevent any ship from placing an American flag at its mast-head?

“I am stating, not defending, the British doctrine, and I do not enter here into those obvious considerations which demonstrate its fallacy and injustice. This I have attempted elsewhere, but with what success it does not become me to judge. I attempted to show, that because any of the ‘states of Christendom’ choose to form treaties for the attainment of objects, military, commercial, or *philanthropic*, such mutual arrangements give them no right to change the established laws of nations, and to stop and search our vessels upon the great highway of the world. It is the slave trade to-day, but it may be the sugar trade to-morrow, and the cotton trade the day after. But, besides, it is obvious that all the cases put by the British political casuists, in support of this new doctrine, are mere questions of identity, where he who does the deed and boards the vessel acts, not upon his right, but upon his responsibility, and, like the sheriff who arrests a person upon a writ, is justified, or not, according to the result.

“But it is clear that this claim, as asserted, is not at all inconsistent with our new treaty stipulation; that this stipulation does not render unnecessary the exercise of the claim; and, therefore, as it does not expressly, so neither does it by fair implication, ‘make a practical settlement’ of the question; nor does ‘the eighth article’ remove ‘all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast, because of the alledged abuse of our flag by slave traders of other nations.’

“Very respectfully, &c.,

“LEW. CASS.

“Hon. DANIEL WEBSTER,

“Secretary of State, Washington.”

Mr. Webster never answered this letter. He merely informed General Cass, in a brief note, that he had glanced at portions of it, and, after more attentive perusal, if occasion required, he would reply to it at length. This “occasion” he never found: and, to this day, the reasoning and argument of General Cass stand without even an attempt at refutation.

The English ministry construed the clauses in the treaty of Washington as General Cass supposed they would. The important question of the right of search was left just where it was found when the negotiation was opened. The parties to the treaty differed in their understanding of its meaning, and the government of Great Britain did not conceal its intention to deny the construction put upon it by the government of the United States. In fact, it went farther, and took the ground that the question of search did not enter into the negotiation, and was not even discussed : and that, as for concession, it was neither asked nor given. And a denial of these high positions of Britain—reflecting as they do upon the conduct of our government, when Jefferson and Madison were in the ascendant—will be sought for in vain among the archives of the American government, for the four years preceding the advent of Mr. Polk to the Chief Magistracy. The apprehensions, therefore, entertained by General Cass, when he first saw the provisions of the treaty of Washington, were fully realized. It was the dictate of patriotism, and a proper regard for the honor of his country, and for the memory of the distinguished statesmen with whom he had been for so many years intimately and officially associated, that prompted him to retire from the American Legation at Paris. He did right, and so said the overwhelming voice of the people of the United States. With this cheering approbation, he could well bear with composure the attacks of his political opponents, and the abuse of foreign peers and presses.

CHAPTER XXIX.

General Cass retires from the French Court—Public Dinner—Arrival at Boston—Enthusiasm of the People—Their Address to General Cass—Arrival at New York—Public Demonstrations—Letter of Mr. Dickerson—General Cass' Reply—The Public Press—Arrival at Washington—Tour to Detroit—Reception at Home.

When it was known in France that General Cass had asked leave to retire from the diplomatic service, his fellow-citizens from the United States, in France, were loud in their regrets. They were unanimous in sentiment relative to the course he had pursued on the quintuple treaty. They were proud of their Minister, and again and again congratulated him on the glorious result of his efforts. If in their power, they would prevail upon him to remain; but they were equally unanimous in sentiment, that a continuance of his residence at that court was incompatible with his own honor, and that his determination to embark for the United States, after they were advised of the treaty of Washington, was his only alternative. They, however, invited him to partake of a public dinner before his departure, as an evidence of their esteem. This was accepted, and the American consul at Havre, Mr. Beasley, presided at the festive board. So great was the desire to be present on this occasion, that many American residents and travelers, then in Paris, were unable to gain admission. The festivity terminated in the presentation of an elegant address to General Cass, to which he made a suitable response; and bidding them a hearty farewell, departed for the United States with his family, leaving Mr. Ledyard, the Secretary of the Legation, as charge d'affairs till a minister arrived.

After a short voyage across the ocean in the steamer *Columbia*, he landed in the city of Boston on the 6th of December, 1842, and on the succeeding day was greeted with the following letter, signed by numerous prominent citizens of this metropolis of New England, from the hands of a large committee.

"BOSTON, December 7th, 1842.

"SIR :—The undersigned, citizens of New England, would congratulate your Excellency on your safe return to your native country, after your faithful services and energetic proceedings at an important crisis in your distinguished mission ; and respectfully request that you will give them and their fellow-citizens an opportunity of expressing personally the high respect which your public career and private virtues have uniformly inspired.

"Returning, as you do, with the approbation of that generous people who were the first, and, for a long time, the only friends of our fathers, we should prefer that the meeting should be at such a time as would suit your convenience, in Faneuil Hall—the spot in which, of all others, Americans would desire to welcome her deserving ones."

General Cass' arrangements were such as to preclude delay, and he was constrained to decline this proffered hospitality. His fellow-citizens, nevertheless, thronged his apartments at the hotel during his brief sojourn in that city, without distinction of party. This was but the first in a series of public manifestations of approbation. His *faithful services* and *energetic proceedings at an important crisis in his mission*, had endeared him to every American heart, and there was all over the country a spontaneous exhibition of admiration for the man who stood forth, unsustained by his own government, against the potentates of the old world.

He immediately passed on to New York, *en route* for Washington. He had scarcely reached his lodgings in New York, before he was waited upon by many citizens, to congratulate him upon his safe arrival upon the shores of his native land, and to tender him a public manifestation. The authorities of the city came to pay him their respects, and tendered him the use of the Governor's rooms in the City Hall. With a grateful appreciation of all this kindness, he was compelled to forego the pleasure of its enjoyment. He desired to hasten on quietly to the Federal capital. But to his own amazement, his fellow-citizens treated him as the man of the nation. He felt that he had acted wisely in France, and yet he did not take to himself any special glory for having done simply what he thought it his duty to do. Not so was his conduct viewed by the people among whom he now began to move. Hardly conscious of it himself, to them it was the sublimity of

patriotism, to see the single-handed representative of a Republic stand before the magnates of Europe, in one of its proudest capitals, and unawed by the blandishments of its power, and the learning of its nobility, there bid them defiance, and in the thunder tones of an American freeman, proclaim that his country would *never* allow her ships, with the stars and stripes streaming from the mast-head, to be stopped on their peaceful course by *any* or *all* of the nations of the earth. This sensation thrilled the American heart. The vibration was felt to the remotest corners of the Republic.

Mahlon Dickerson, Secretary of the Navy under a previous Democratic administration, hearing that General Cass had landed in Boston, hastened from his home in New Jersey to intercept him in New York. He would have him tarry at Trenton, as he passed along the route southward, for the people of Jersey wanted to take by the hand their distinguished fellow-citizen. This was out of the question, and Mr. Dickerson handed to General Cass the following letter :

“NEW YORK, December 10th, 1842.

“MY DEAR SIR:—You must have observed, since your arrival at Boston, that you have been recommended, in many of the public papers in different parts of the United States, as a candidate for the chief executive office of the republic, and, particularly, that you were nominated to that office at a large Democratic meeting at Harrisburgh, on the 21st ultimo. The manner in which your nomination is mentioned by some of the Whig papers, is such as to excite a suspicion, among those who do not know you, that you favor Whig principles, and some have said that your views on a national bank are identical with those of the Whigs. I know that there is no ground for such suspicions, and that you are entirely willing that your views upon those subjects should be known to all parties. From the long and friendly relations which have existed between us, before as well as during the time we were fellow-members of the cabinet of President Jackson, and ever since, I take the liberty of asking from you such explanation of your views upon these subjects as shall be entirely satisfactory to your political friends. With the highest respect and esteem, I am your friend and humble servant,

“MAHLON DICKERSON.

“TO GENERAL LEWIS CASS.”

And to this General Cass promptly replied as follows :

“NEW YORK, December 10th, 1842.

“MY DEAR SIR:—I have received your letter of this day, and have no difficulty in giving you a prompt and unequivocal answer to the questions you present to me.

“I am a member of the Democratic party, and have been so from my youth. I was first called into public life by Mr. Jefferson, thirty-six years ago, and am a firm believer in the principles laid down by him. From the faith, as taught and received in his day, I have never swerved a single instant. So much for my general sentiments.

“With respect to a national bank, I think the feelings and experience of the country have decided against it, and that no such institution should be chartered by the general government. I will add, that my residence in France, and a careful observation of the state of that nation, have satisfied me that, while a due degree of credit is highly useful in the business concerns of a country, a sound specie basis is essential to its permanent prosperity.

“With great regard, I am, dear sir, truly yours,

“LEWIS CASS.

“HON. MAHLON DICKERSON.”

It is true, as mentioned in Mr. Dickerson's letter, several newspapers, in many sections of the country, had mentioned the name of General Cass in connection with the Presidency, and a large assemblage of Democrats, residing in Harrisburgh, in the State of Pennsylvania, and that vicinity, had expressed their desire that he should be the Democratic candidate at the Presidential election in 1844. To all these expressions of partiality for himself for this high office, whilst he was not insensible of the great honor done him, he had but one reply to make, and that was, that the office of President of the United States was neither to be sought nor declined. But when the cherished political principles of his life were assailed—no matter from what quarter—it would have been inconsistent with his entire previous career, as the reader of these pages is already aware, if he had not promptly faced his foes. Hence, he stooped to give the above reply to his old friend Dickerson. He, in fact, was not then aspiring for the nomination, and entertained not the slightest expectation of canvassing for the

Presidency in 1844, or at any other time. His mind was upon the valuable work which he had just performed for his countrymen in the other hemisphere, and he was highly gratified with the voice of approval which he was constantly hearing.

In consequence of receiving, at New York, the duplicate of Mr. Webster's letter, before adverted to, his stay in that city was prolonged a few days, and, on the fourteenth of December, he received, at the Governor's room in the City Hall, the calls of large delegations of citizens. They were far from being formal calls. The people came in masses, and paid him the homage of their respect.

Congress was in session when he reached Washington, and the members visited his rooms, and gave him a cordial welcome. From thence homeward to Detroit, as he passed through the principal cities and towns in Pennsylvania and Ohio, all classes came forward to see him. His route was through these States in accordance with the previously expressed wishes of their citizens. They desired to receive and take by the hand the man who had led the volunteers to war in 1812, and who, thirty years afterwards, encountered and baffled the same enemy whom he assisted to overthrow on the river Thames. His route was a continuous triumph, the more valuable because it was the spontaneous tribute of esteem to one who was then a private citizen, devoid of the allurements of official station; and, as he approached Michigan, the people became enthusiastic in their preparations to receive him. The municipal authorities, and various civil associations, united with private citizens to show, in an impressive manner, their high appreciation of the benefits they, as citizens, had received from his services.

The citizens of Detroit vied with each other and their neighbors in Ohio in their arrangements to receive him. A committee met him on the way at Upsilanti, and escorted him to Detroit, where he arrived on the fourteenth of February. A large concourse of citizens, with the Governor of the State, members of the Legislature and military and civic associations, had assembled to greet and welcome him to his home in the City of the Straits. The proceedings were creditable to the people of Detroit, and gratifying to the object of their attentions. With an emotion that betrayed how deeply he was affected by these congratulations and manifestations of regard from his old neighbors, he spoke of the welcome his countrymen had given him, after seven years' absence beyond

the seas, and remarked—"from the time I set foot upon my native shore at Boston, to this last manifestation of good will, I have to acknowledge the spontaneous proofs of regard everywhere shown to me, and the recollection of which will disappear but with the termination of life."

At the conclusion of the ceremony of reception, he was escorted by the battalion of Frontier Guards, and a long procession of citizens, to his rooms at Dibble's Exchange.

We have before observed that the personal relations subsisting between General Cass and Louis Phillippe were of a cordial character. They became so in consequence of the extraordinary exertions made by the American Minister to gain the ear of the king in the diplomatic circle ; and each became more and more personally interested with the other as the acquaintance progressed ; the former, because the king, from his own knowledge, could appreciate, and did appreciate, with all the enthusiasm of an enraptured traveler, the expansive country which the Minister had the honor to represent at the French capital.

Louis Phillippe appeared to take delight in recounting his reminiscences of the mountains, valleys, and forests of America ; and, what may seem surprising to most republicans, held in high personal respect the laws and institutions of the United States. Impressed with these sensations, it is not for us to apologize for his career on the throne of excitable France. A bright morning of hope dawned upon the commencement of his reign ; the dark pall of (to him) an endless night shrouded its termination.

A letter from him to General Cass, given below, shows that we do not mistake his views, or their social position to each other.

"NEUILLY, 13th July, 1838.

"MY DEAR GENERAL :—I return, with many thanks, the letter you were so good as to leave for me with General D'Houdetot. I have also to thank Mr. Lewis, since the contents of his letter gave me such satisfaction that I read it over to the queen and to my family. The general suffrage of the American nation in favor of my son, is very gratifying to us. I only regret that he could not stay longer in America, but I will send him there again.

"In the first place, to express his gratitude and mine for the attentions of which he has been the object, and also to express the high sense I entertain of the recollections kept of me in America,

and which were so kindly manifested to my son, and, in the next place, my dear General, because my own experience has taught me that America and England are good schools, and that much may be learnt in that intercourse which could not be acquired elsewhere.

“Believe me, sir, very sincerely,

“Your affectionate

“LOUIS PHILLIPPE.

“GENERAL CASS, &c., &c., &c.”

CHAPTER XXX.

Private Affairs—General Cass' Pecuniary Troubles—His Wish—Named for the Presidency—Letter to the Indiana Committee—The Cincinnati Meeting—General Jackson's Letter.

After an absence of twelve years, seven of which were spent in foreign lands, General Cass again found himself at his home in Detroit. During this time great changes had occurred. Many of his old cherished neighbors and personal friends had gone the way of all flesh ; some had removed further west. The city limits were enlarged, new streets opened, and buildings erected. The young men of the schools had grown to manhood, and now were the business men of the town. New faces met him upon every hand. Still the old landmarks remained, and the same wide river flowed along the quays. It was Detroit, and he was glad once more to be at home. Nearly forty years had elapsed since his public career began, and now, for the first time during all that eventful period, he was divested of official care and responsibility. He was a private citizen. He could now devote some attention to his private affairs ; and, unfortunately, it was needed.

The five hundred acres of land, known as the Cass farm, purchased in 1816 for twelve thousand dollars, had, to a great extent, been subdivided into city squares, streets, and lots, and sold to divers purchasers upon credit. The pecuniary embarrassments that convulsed the business relations of the country, had overtaken them ; and, in most instances, the land reverted to General Cass, encumbered with taxes and municipal assessments. He had been under the necessity, while a resident in France, to resort to his private resources to meet the expenditures. The salary was insufficient. He came home, therefore, in straightened circumstances, pecuniarily. He had hoped to find his debtors prosperous, and able to hold the lots of land sold to them. It was otherwise. To add to his perplexities, thirty-two thousand dollars—a part of it his paternal inheritance—deposited in the Bank of Michigan when he was about to depart for Europe, were irrevocably lost, by the

failure and utter bankruptcy of that institution. To avail himself of the use of his landed estate, it was necessary to discharge the liens of the State and city, and make improvements. He had not the money at his command to do this, and it was necessary to resort to a loan. He applied to his friend Ward, a banker in Wall street, for the limited sum of three thousand dollars. The application was flatly denied. This was the more inexplicable to the General, for the security was abundant; he had, in other days, rendered Mr. Ward some kind offices, and the banker, he thought, had the money. A kind friend, however, voluntarily came forward, upon whom General Cass had not the slightest claims, and furnished the desired accommodation. With this he stemmed the tide of adversity.

It required effort, however, to do so. He was sixty years of age, with a family of children, for whom he would be glad to leave an inheritance that should shield them from want. At any rate, he would wish to feel, when he left them, that his son and three daughters, two of whom were married, were not entirely thrown upon the charities of the people. To the attainment of this, he proposed to devote the residue of his life. Pecuniary misfortune, for the first time, had crossed his path. And when, seven years before, he bade his native land adieu for a season, he had consoled himself with the reflection, that, let what would happen, he had placed the proceeds of his father's estate upon the banks of the Muskingum, where they would be kept safe for his own descendants. Alas! the uncertainty of all human expectation.

But, although out of office, he soon found that it was quite difficult to withdraw his mind from public concerns. The people appeared to be indisposed to allow him to remain in retirement; and constantly he was in the receipt of letters asking for his views upon political topics. Circumstances beyond his own control made his name prominent among the number of eminent statesmen from whom the selection of the next chief magistrate would be made. His own wish was to be let alone. If he ever, in the course of events, was to occupy the Presidential chair, he would prefer to postpone the time. He desired official repose, and an opportunity to pay some little attention to his own private affairs. But the more he protested the greater was the ardency of his friends. He vacillated, and finally concluded to let events take their own course.

As he reached Columbus, Ohio, on his way homeward, he was met with a letter from the Democratic State Convention of the State of Indiana. This letter requested his views upon four points, namely—the propriety of a national bank, the distribution of the public lands among the States, the subject of a protective tariff, and constitutional amendments. He did not object to giving his views specifically and fully, but he was aware that their publicity would create the impression that he was not indifferent in his aspiration to the Presidency. Still, he was told that his sentiments would do good in shaping public opinion upon these subjects—especially in Indiana, where he was so well and so favorably known,—and therefore it was his duty to give them, without stopping to calculate their effect upon the Presidency, so far as he was personally concerned. The Democratic party in Indiana were in a minority in that State; it was situated in the heart of the west, and the ascendancy of correct political principles, in all that region, was desirable. The source from whence the request came entitled it to his respect, and he gave the following reply.

“COLUMBUS, Ohio, Feb. 8th, 1843.

“GENTLEMEN :—Your letter, enclosing the resolutions of the Democratic Convention of the State of Indiana, was addressed to me at Washington, but did not reach that city till after I had left there. It was then forwarded to me at this place, and in consequence of having stopped on the route, considerable delay has occurred in its receipt. I make this explanation to account for that delay.

“I shall now proceed to answer the questions proposed by the convention, briefly, but frankly, satisfied it will be more agreeable to yourselves, and your colleagues of the convention, that I should be explicit, than that I should be led into tedious dissertations.

“With respect to a national bank, I have to remark that I have always entertained doubts of the power of Congress to charter such an institution. The indirect process by which this power is deduced from a very general provision of that instrument, has never been satisfactory to me. But there is the less necessity for entering more in detail into the constitutional question, as it seems to me the public voice has pronounced itself, and justly, against

the incorporation of any national bank by Congress. No such institution should, in my opinion, be established.

“In answer to the second question, which relates to the distribution of the proceeds of the public lands among the several States, I reply, that I think no such distribution should be made. I will state, in a few words, the grounds of this opinion. The necessary revenue for the support of the government of the United States, must come from the people, and it must be supplied by direct or indirect taxation, or by the sale of public property. The general sentiment is opposed to direct taxation by the general government in time of peace; and of course there are left but the other two sources of supply to meet its expenses. Their proceeds must constitute the revenue of the country; and if one of them is abstracted or diminished, an additional burthen is thrown upon the other. Whatever sum the necessary expenses of the government may require, if the proceeds of the public lands make no part of it, the whole must be raised by taxation. If they make part of it, then the amount of taxation is diminished by the sum supplied by these proceeds. It follows that any proposition to divert the proceeds of these lands from the support of government, is, in fact, but a proposition to lay taxes on the people. If a permanent annual revenue of eighteen millions of dollars is necessary for an economical administration of the government, and if two millions of these are produced by the sale of public lands, let the source of this supply be diverted to some other object, and these two millions must be provided by the imposition of taxes. All this is too clear to need further illustration. A proposition then to distribute the proceeds of the public lands among the several States, is, in effect, but a proposition to increase the taxation of the people of the United States through the medium of the general government, in order that the amount thus increased may be paid into the treasuries of the respective States. To me it appears perfectly clear, that whatever may be the annual sum produced by the sale of lands, that sum is a part of the revenue of the country, and that it is just as competent for Congress to take any other two millions, supposing that to be the amount, from the public treasury, and divide them among the States, as to select for that purpose the dollars actually produced by the land sales. It seems to me that such a course of action would be injurious in practice, dangerous in principle, and without warrant in the Constitution of the United

States. The theory of our political institutions is familiar to us all. The governments of the confederated States have their respective rights and duties clearly defined, and each within its proper sphere is independent of the others: each raises and expends its revenue, and performs all the functions of a sovereign State. What right has one to interfere with another, unless in cases marked out by the Constitution itself? If the general government can provide a revenue for the respective States, and does provide one, it is clear that one great distinctive feature of our political system will disappear, and that the relations between the confederation as such, and the individual States composing it, will be wholly changed. Human sagacity can not foretell what would be the entire result of this state of things, but it is easy to predict that this new application of the money power would give to the government of the United States a strength never contemplated by the American people, and irreconcilable with our constitutional organization, and that it would lead to a habit of dependence on the part of the States, by which their efficiency to resist any encroachments of the general government would be paralyzed. Without pushing these considerations further, I conclude this branch of the subject by repeating that, in my opinion, no distribution of the proceeds of the public lands should be made.

“The subject of the protective tariff has been so long and ably discussed, that it would be useless for me to do more than to give you the result of my views. I think, then, that the revenue of the government ought to be brought down to the lowest point compatible with the performance of its constitutional functions; and that in the imposition of duties necessary, with the proceeds of the public lands, to provide this revenue, incidental protection should be afforded to such branches of American industry as may require it. This appears to me not only constitutional, but called for by the great interests of the country; and if a protective tariff upon this principle were wisely and moderately established, and then left to its own operation, so that the community could calculate upon its reasonable duration, and thus avoid ruinous fluctuations, we might look for as general an acquiescence in the arrangement as we can ever expect in questions of this complicated kind, when local feelings have been enlisted, which a prudent legislature must consult more or less, and endeavor to reconcile.

“A proposition to amend the Constitution of the United States, is one which I should always receive with great caution. There is already in our country too great a disposition to seek, in changes of the laws and Constitution, remedies for evils to which all societies are more or less liable, instead of leaving them to find their own cure in the operation of the ordinary causes which act upon communities. It is often better to suffer a partial inconvenience, than rashly to alter the fundamental principles of a political system. Stability is better than change, when change is not decidedly called for. I am not aware that the exercise of the veto power has, for many years, produced any injury to the public service. On the contrary, I think in those cases where it has been recently interposed, it has been properly applied, and that its action has been approved by a great majority of the people. I see, therefore, no practical evil which demands, in this respect, a change in the Constitution of the United States. Should cases of that nature occur, it will then be time to seek the proper remedy.

“With great respect, gentlemen, I have the honor to be your obedient servant,

“LEWIS CASS.

“TO ETHAN A. BROWN, JOHN LAW, NATHANIEL WEST, JOHN

“PETTIT, JESSE D. BRIGHT, and A. C. PEPPER, Esquires.”

In the spring of this year, a large political meeting was held in Cincinnati, at which an address and resolutions were adopted, expressing great partiality for General Cass for the Presidency. Mr. Van Buren, Mr. Calhoun, Mr. Buchanan, Colonel Benton, and Colonel Richard M. Johnson, were named for the same position. All of them were fully qualified to administer the government, and members of the same party. The meeting alluded to, in canvassing their respective qualifications, acknowledged their fitness for the position, but expressed the conviction that there was a sectionality attached to each of them, with the exception of the first named, which would not fail to have its influence when they came before the whole people at the polls. As to Mr. Van Buren, he had once held the post, with high credit to himself and country, it was true, but he had, as his term approached its close, again been presented to the suffrages of his fellow-citizens, and they, by a paramount majority, had declined to vote for his

continuance. This fact, it was thought, would weaken him if once more brought out, and the Presidential canvass again terminate in his defeat. To the permanent success of the Democratic party, this meeting proclaimed that it was necessary to nominate the man who "could go before the American people, commanding the most heartfelt enthusiasm, and combining the most elements of success; and such a man is Lewis Cass—a man who exemplifies in his own person and history one of the best traits of our institutions."

Meetings of a similar character, and expressive of the same sentiments, were held in other parts of the Union. Indeed, in a few months they became general and enthusiastic. In the meantime, the object of all these attentions was quietly attending to his own private affairs at his home in Detroit. He had not seen General Jackson since his return from France, and thought of visiting his venerable friend at the Hermitage in Tennessee, when he received the following letter, full of approval of his course at the Court of St. Cloud.

"HERMITAGE, July, 1843.

"MY DEAR SIR:—I have the pleasure to acknowledge your friendly letter of the 25th of May last. It reached me in due course of mail, but such were my debility and afflictions, that I have been prevented from replying to it until now; and even now it is with difficulty that I write. In return for your expressions with regard to myself, I have to remark that I shall ever recollect, my dear General, with great satisfaction, the relations, both private and official, which subsisted between us during the greater part of my administration. Having full confidence in your abilities and republican principles, I invited you to my cabinet, and I never can forget with what discretion and talents you met those great and delicate questions which were brought before you whilst you presided over the Department of War, which entitled you to my thanks, and will be ever recollected with the most lively feeling of friendship by me.

"But what has endeared you to every true American, was the noble stand which you took, as our minister at Paris, against the quintuple treaty, and which, by your talents, energy, and fearless responsibility, defeated its ratification by France—a treaty intended by Great Britain to change our international laws, make her mistress of the seas, and destroy the national independence,

not only of our own country, but of all Europe, and enable her to become the tyrant on every ocean. Had Great Britain obtained the sanction to this treaty, (*with the late disgraceful treaty of Washington* — so disreputable to our national character, and injurious to our national safety,) then, indeed, we might have hung up our harps upon the willow, and resigned our national independence to Great Britain. But, I repeat, to your talents, energy, and fearless responsibility, we are indebted for the shield thrown over us from the impending danger which the ratification of the quintuple treaty by France would have brought upon us. For this act, the thanks of every true American, and the applause of every true republican, are yours; and for this noble act I tender you my thanks.

“Receive assurance of my friendship and esteem.

“ANDREW JACKSON.”

It would be difficult for one to write a letter expressing sincerer or warmer friendship and respect. And it was the more gratifying to General Cass' feelings, because it so effectually annihilated the impudent rumor set afloat by impudent persons, that he stood at a low mark with General Jackson, and that the latter had posted him to France to get rid of him. The truth is — and so it was known to be by General Jackson's intimate friends in Tennessee — that General Cass was the adviser, on extraordinary occasions, all the while he was Secretary of War. But what gave greater value to this letter, in the estimation of General Cass, at this particular time, was the unqualified approval it contained of his course towards Britain's claim to the right of search, and of its unqualified disapproval of the *disgraceful treaty of Washington*. It was on this subject that General Cass felt the greatest interest then, and in relation to which he had the greatest desire to hear from valued friends. General Jackson, in the quiet groves of the Hermitage, had watched the progress of British diplomacy, and duly estimated the herculean difficulties with which our minister had been environed. And as a friend both to him and his country, the venerable patriot felt that, if his government would not stand by him, the people would do so, and for one, he did, with all his heart.

CHAPTER XXXI.

General Cass delivers an Oration at Fort Wayne—The Celebration—Preparations for the Presidential Election—The Candidates—The Texas Question—General Cass' views—The National Democratic Convention of 1844—Letter of General Cass to the Delegates from Michigan—The Whig Convention—The Democratic Ticket—Support of General Cass—The Result.

On the fourth of July, 1843, General Cass delivered an oration at Fort Wayne, Indiana, on the occasion of the celebration of the completion of the Wabash and Erie Canal—the union of the lakes and of the Mississippi. Thousands of his fellow-citizens, far and near, came out to see and hear him. It was a proud day for the States of Ohio and Indiana—the two sister and contiguous States that projected and completed the great communication—and it was a proud day for him. *Onward*, he told them, was the mighty word of our age and country. He entertained his vast audience with sublime thoughts and words of eloquence. He told them what the country they inhabited was, forty years before, and “to-day,” said he, “a new work is born; a work of peace and not of war. We are celebrating the triumph of art, and not of arms. Centuries hence, we may hope that the river you have made will still flow both east and west, bearing upon its bosom the riches of a prosperous people, and that our descendants will come to keep the day which we have come to mark. Associations are powerful in the older regions of the Eastern continent. They, however, belong to the past. Here they are fresh and vigorous, and belong to the future. There, hope is extinct, and history has closed its record. Here we have no past. All has been done within the memory of man. Our province of action is the present, of contemplation, the future. No man can stand upon the scene of one of those occurrences which has produced a decisive effect upon the fate of nations, and which history has rendered familiar to us from youth, without being withdrawn from the influence of the present, and carried back to the period of conflict, of doubt, and of success, which attended some mighty struggle. All this is the triumph of mind, the exertion of intellect, which

elevates us in the scale of being, and furnishes us with another and pure source of enjoyment. Even recent events, round which time has not gathered its shadows, sanctify the places of their origin. What American can survey the field of battle at Bunker Hill, or at New Orleans, without recalling the deeds which will render these names imperishable? Who can pass the islands of Lake Erie, without thinking upon those who sleep in the waters below, and upon the victory which broke the power of the enemy, and led to the security of an extensive frontier? There, no monument can be erected, for the waves roll, and will roll, over them. I have stood upon the plain of Marathon, the battle-field of liberty. It is silent and desolate. Neither Greek nor Persian is there to give life and animation to the scene. It is bounded by sterile hills on one side, and lashed by the eternal waves of the *Ægean* sea on the other. But Greek and Persian were once there, and that dreary spot was alive with hostile armies who fought the great fight which rescued Greece from the yoke of Persia. And I have stood also upon the hill of Sion, the city of Jerusalem, the scene of our Redeemer's sufferings, and crucifixion, and ascension. But the scepter has departed from Judah, and its glory from the capital of Solomon. The Assyrian, the Egyptian, the Greek, the Roman, the Arab, the Turk, and the crusader, have passed over this chief place of Israel, and have reft it of its power and beauty. But here we are in the freshness of youth, and can look forward, with rational confidence, to ages of progress in all that gives power and pride to man, and dignity to human nature. No deeds of glory hallow this region; but nature has been bountiful to it in its gifts, and art and industry are at work to improve and extend them. You can not pierce the barrier which shuts in the past and separates you from by-gone ages: but you have done better than that, you have pierced the barriers which isolated you and separated you from the great highway of nations. You have opened a vista to the Atlantic and the Gulf of Mexico. From this elevated point, two seas are before us, which your energy and perseverance have brought within reach. It is better to look forward to prosperity than back to glory. To the mental eye, no prospect can be more magnificent than here meets the vision. I need not stop to describe it. It is before us, in the long regions of fertile land which stretch off to the east and west, to the south and north; in all the advantages which Providence has liberally

bestowed upon them, and in the changes and improvements which man is making. The forest is fading and falling, and towns and villages are rising and flourishing; and, better still, a moral, intelligent, and industrious people are spreading themselves over the whole face of the country, and making it their own and their home.

“And what changes and chances await us? Shall we go on, increasing, and improving, and united? or shall we add another to the list of the republics which have preceded us, and which have fallen the victims of their own follies and dissensions? My faith in the stability of our institutions is enduring, my hope is strong: for they rest upon public virtue and intelligence. There is no portion of our country more interested in their preservation than this, and no one more able and willing to maintain them. We may here claim to occupy the citadel of freedom. No foreign foe can approach us. And while the West is true to itself and its country, its example will exert a powerful influence upon the whole confederation; and its strength, if need be, will defend it.”

Throughout the year 1843, the public mind became absorbed in the Presidential election, and the politicians of both the Whig and Democratic parties were active in preparing for the nominating conventions. The Whigs were, to a great extent, disappointed with the national administration. They had achieved success in 1840, but Harrison's death disconcerted all their plans, and it was a barren victory. Mr. Tyler vetoed the bill for the re-charter of the United States bank, despite the protest of Mr. Clay and other eminent statesmen of the Whig school. This act of Mr. Tyler's produced an immediate collision, and resulted in an abandonment of the administration by the Whigs, in most of their strongholds throughout the Union. To sustain himself, Mr. Tyler removed many of the supporters of Harrison from office, and substituted Democrats in their stead. This course of policy brought down upon him the opprobrium of the Whig press: but as the Democrats approved of the veto, this, with the bestowal of the patronage, awakened much sympathy. But the political policy of the President diverted many Whigs from their accustomed allegiance, and encouraged the Democrats to look forward to the election of 1844 with more sanguine expectation of success. This, as an inevitable consequence, caused greater emulation among the Democratic aspirants for official station, and thus, as the time

approached for the primary assemblages, unprecedented activity prevailed; especially so in the northern States, where the caucus dictates what shall be done, and from whose decree, by common consent, there was no appeal, so far as the internal arrangements of the party were concerned.

The Presidency was the theme of political conversation in every locality. It was soon well settled that Mr. Clay would be the nominee of the Whigs, and all that remained for a formal presentation of his name to the people was the holding of a national convention. The partizans of the President were known as the *Tyler party*, acting under a distinct organization, leaving the Whigs proper a unit in their action and councils. The condition of the Democratic party was different. Many were partial to Mr. Van Buren. They regarded his defeat in 1840 as more truly ascribable to corruption and deception, than want of confidence in him personally, or opposition to the measures of his administration; and they believed that the people, in their "sober second thought," would reverse the decision, if an opportunity was afforded in 1844. Besides, they felt that it would be a just rebuke to fraud and incompetency; and that no more unwelcome punishment could be inflicted upon the Whig party, than to elect the man whom they had beaten so badly in the previous campaign. His warmer adherents declared that the nomination of Mr. Van Buren would produce in the Democratic ranks "ardor and enthusiasm," and that the masses would rally with an alacrity and enthusiasm that would be resistless. Among his friends were many able statesmen and adroit political tacticians: men of experience in management and thoroughly conversant with all the facilities for manufacturing public opinion. Conventions, in many States, were held early, and the delegates to the National Democratic convention appointed in the regular way. Resolutions were passed indicating a preference for Mr. Van Buren, and it was ascertained, in the winter of 1844, some three months prior to the time designated for the holding of the convention, that a majority of the delegation was favorable to Mr. Van Buren.

When the canvass for the nomination had reached this point, the people began to pause, and reflect upon the chances of success. It was apparent that the heart of the masses did not respond to the preference which had thus been given in the conventions; and far-seeing politicians began to doubt the propriety of the

nomination of Mr. Van Buren when the national convention should assemble. They feared defeat; it stared them in the face; and more or less murmurings were heard. The people began to get together and give utterance to this feeling of distrust. Meetings of towns and counties were held in various sections of the country, in effect nullifying the action of their delegates in convention, and declaring their choice to lie in some other direction.

In the meantime, the President had opened a negotiation with the authorities of Texas, with reference to the admission of that country into the Union as a sovereign State. Public opinion was divided upon the question of annexation. Statesmen and politicians differed. Some were in favor of admission if slavery was abolished in the territory; others, not at present, but by and by; whilst a third class pronounced for *immediate* annexation, taking the country and its institutions as they were. The first class of objectors belonged to the Whig and Abolition parties; the other two to the Democratic. Hence, the latter party was inharmonious upon an important measure—upon a question of principle. Large and enthusiastic meetings were held in many places, and the question, who, of the men named for the Presidency were in favor of the *immediate* annexation of Texas, assumed shape, and letters of inquiry, and the answers thereto, were published to the world. A majority declared for *immediate* annexation. Mr. Van Buren was opposed to it. The Sage of the Hermitage, though not a candidate for office, came forth from his retirement, and energetically advocated the measure.

General Cass was among the number interrogated, and, in a responsive letter to Mr. Hannegan, then in Congress, he declared his opinion in the following unequivocal language:

“DETROIT, May 10th, 1844.

“DEAR SIR:—In answer to your inquiry whether I am favorable to the immediate annexation of Texas to the United States, I reply that I am. As you demand my opinion only of this measure, and briefly the reasons which influence me, I shall confine myself to these points.

“I shall not dwell upon the policy of uniting coterminous countries situated like ours and Texas, with no marked geographical features to divide them, and with navigable streams penetrating the limits of both; nor upon the common origin of the people who

inhabit them ; upon the common manners, language, religion, institutions, and, in fact, their identity as a branch of the human family. Nor shall I urge the material interests involved in the measure, by the free intercourse it would establish between the various sections of a vast country mutually dependent upon and supplying one another. These considerations are so obvious that they need no elucidation from me.

“But, in a military point of view, annexation strikes me as still more important, and my mind has been the more forcibly impressed with this idea from reading the able letter of General Jackson upon this subject, which has just come under my observation. With the intuition which makes part of the character of that great man and pure patriot, he has foreseen the use which a European enemy might make of Texas in the event of a war with the United States. A lodgment in that country would lay open the whole south-western border to his depredations. We could establish no fortress nor occupy any favorable position to check him, for the immense frontier may, in a vast many places, be crossed as readily as a man passes from one part of his farm to another. The advantages an active enemy would enjoy, under such circumstances, it requires no sagacity to foretell.

“These considerations recall to my memory an article which made its appearance just before I left Europe, in a leading tory periodical in England, which is understood to speak the sentiments of a powerful party. This is *Frazer’s Magazine*, and a more nefarious article never issued from a profligate press. It ought to be stereotyped, and circulated from one end of our country to the other, to show the designs which are in agitation against us, and to teach us that our safety, in that mighty contest which is coming upon us, is in a knowledge of our danger, and in a determination, by union and by a wise forecast, to meet it and defeat it. The spirit of this article is sufficiently indicated by its title, which is ‘A War with the United States a Blessing to Mankind.’ I can not refer to it at this moment, but must speak of it from recollection. I have often been surprised it has not attracted more attention in our country. Its object was to excite a war with the United States, and to lay down the plan of a campaign which would soonest bring it to a fortunate conclusion for England. The basis of this plan was the organization of a necessary black force in the West India islands, and its debarkation upon our southern

coast. The consequences which our enemies fondly hoped for in such a case, but with an entire ignorance of the true state of the country, were foretold with a rare union of philanthropy and hatred. I wish I had the number at hand, to cull some choice passages for your reflection. The result was to be the destruction of the Southern States, the ruin or depression of others, and the dissolution of this great and glorious confederacy, on which the last hopes of freedom through the world now rest.

“What more favorable position could be taken for the occupation of English black troops, and for letting them loose upon the Southern States, than is afforded by Texas? Incapable of resisting, in an event of a war between us and England, she would be taken possession of by the latter under one or another of those pretenses every page of her history furnishes, and the Territory would become the depot whence she would carry on her operations against us, and attempt to add a servile war to the other calamities which hostilities bring with them. He who doubts whether this would be done, has yet to learn another trait in the annals of national antipathy. It would be done, and would be called philanthropy.

“Every day satisfies me more and more that a majority of the American people are in favor of annexation. Were they not, the measure ought not to be effected. But as they are, the *sooner it is effected the better*. I do not touch the details of the negotiation. That must be left to the responsibilities of the government, as also must the bearing of the question upon its reception by other countries. Those are points I do not here enter into.

“I am, dear Sir, respectfully,

“Your obedient servant,

“LEWIS CASS.

“HON. EDWARD HANNAGAN.”

The Democratic national convention convened at Baltimore, in May, 1844. The ballotings disclosed the fact that Messrs. Van Buren, Cass, Richard M. Johnson, Buchanan, Woodbury, Calhoun, and Stewart, severally had supporters in the convention. The first two, respectively, received the most votes. The convention adopted the rule of the conventions of 1832 and 1835, requiring the nominee to be chosen by two-thirds of the members voting. There were two hundred and fifty delegates, and the

requisite two-third number was one hundred and seventy-six. On the first ballot, Mr. Van Buren had much the largest vote, but not within twenty of the required number. As the balloting proceeded, General Cass gained strength, and on the seventh ballot, received twenty-four votes more than Mr. Van Buren. On the eighth ballot, Massachusetts cast five, Pennsylvania two, Maryland one, Alabama nine, Louisiana six, and Tennessee thirteen votes for James K. Polk of Tennessee. The announcement of the result of this ballot created a sensation. The name of Mr. Polk had not before been mentioned publicly for the Presidency, and bringing it forward at this juncture, presented an opportunity to the supporters of Messrs. Cass and Van Buren, of uniting upon a candidate that would be acceptable, under the circumstances, to the friends of those gentlemen throughout the country. The convention proceeded to the ninth ballot, during which the New York and Virginia delegations withdrew for consultation. New York had uniformly and unanimously supported Mr. Van Buren, and Virginia had steadily cast her vote for General Cass : upon their return into the convention, both States cast their vote for Mr. Polk.

That there might be no obstacle in the way of an unanimous choice of a candidate by the convention, General Cass had authorized his name to be withdrawn ; and at this stage of the proceedings, Edward Bradley, a delegate from Michigan, produced the following letter, which was read to the convention and received with applause.

“DETROIT, May 19th, 1844.

“GENTLEMEN:—It is possible that my name, among others, may come before the convention which is about to meet at Baltimore. I am at a distance, and can do nothing to meet the contingencies which may arise during its discussion. You will all do me the justice, I am sure, to say that I have taken as little part in passing events as it was possible for any man in my position to take. I have sat still, quietly awaiting the result, and determined to be satisfied with it, whatever it might be.

“Though your first choice for President has been directed to the eminent statesman who has already so ably administered the government, still it is possible that circumstances affecting neither his services nor his merits may induce you to seek some other

candidate, and in that event, if State pride should not supply my other deficiencies and lead your attention to me, it may yet create some interest in my position, and a desire that I should dishonor neither myself, our party, nor the State. I have thought, therefore, I might so far calculate upon your indulgence, as to briefly lay before you my sentiments under existing circumstances, and to ask your aid in carrying my intentions into effect.

“I never sought the Presidency of the United States. When in France, I declined being a candidate, in answer to an application made to me by a respectable committee of citizens of Philadelphia. When I returned, I found my name was before the country, and the matter seemed to have passed beyond my control. I often regretted this, and frequently vacillated respecting the course I ought to adopt, till time and events took from me the power of decision. I mention these impressions to show you that in reaching the conclusion at which I have now arrived, and am about to announce to you, I have made no sacrifice of feeling, and shall experience no regret.

“We can not shut our eyes to the fact that dissensions exist in the ranks of our party, which threaten its defeat. Without forming any opinion respecting their origin and progress, their existence is enough to excite the solicitude of all who believe that the prosperity of the country is closely connected with the success of the Democratic party.

“I hope and trust that a wise spirit of conciliation will animate the Baltimore convention, and that its decision will restore to us harmony and confidence. But I have determined not to be in the way of this desirable result. And it is the purpose of this letter to announce to you this resolution. Should it be thought by the convention, with reasonable unanimity, that the party had better present my name to the country, I shall submit, and prepare myself for the contest. But if there is such a division of opinion on the subject as to show that a hearty and united exertion would not be made in my favor, I beg you to withdraw my name without hesitation. We shall need all our force in the coming struggle. If that is exerted, we shall succeed; if not, we shall fail. I will neither put to hazard the Democratic party, nor have any agency in bringing the election into the House of Representatives,—one of the trials to be most deprecated under our Constitution.

“These, gentlemen, are my views, and, if necessary, I beg you to announce them, and to declare me not a candidate, in case there is not reasonable hope that the party will unite in my favor. I do not doubt that in such an event my friends will abandon all personal predilection, and prove their devotion to principles, by a zealous support of the nominee of the convention.

“With great regard

“I am, gentlemen,

“Your obedient servant,

“LEWIS CASS.

“To the Delegates from the State of

“Michigan, to the Baltimore Convention.”

In compliance with the request contained in this letter, the delegates from Michigan withdrew the name of General Cass from the list of candidates, and the delegates from New York withdrew the name of Mr. Van Buren. Mr. Polk was then unanimously nominated for President. This was followed by the nomination of Silas Wright for Vice President; but this gentleman, who was in Washington, peremptorily declined, and George M. Dallas, of Pennsylvania, was nominated in his stead.

The Whig convention nominated Mr. Clay for President, and Theodore Frelinghuysen, of New Jersey, for Vice President. The Presidential canvass was now fairly opened. It was Polk—surnamed Young Hickory—and Dallas, on the one side; and Clay and Frelinghuysen on the other. The contest, from the start, was animated all over the Union. Annexation of Texas and the tariff were the two leading issues. The Whigs evaded the bank question, and the Democrats, considering that subject defunct, did not press it, although it was often referred to in their speeches and resolutions.

The friends of Mr. Van Buren—especially his confidential friends—were disappointed at the result of the convention, and chagrined. They knew that a majority of the delegates were instructed, impliedly or expressly, to cast their votes for him, and they had anticipated a different result. But, after reflection upon the cause of this discomfiture, it was evident that the Texas question had intervened, and to this alone was to be ascribed the preference of the convention.

As soon as the announcement of the ticket reached the people at home, they rallied to its support with enthusiasm. Ratification meetings were held in all the large cities and towns, and arrangements immediately made to perfect a thorough organization. When the news reached Detroit, the democracy of that city, overlooking their own disappointment in not having their distinguished and favorite candidate presented to the electors of the country, rallied *en masse* to respond to the nomination. General Cass came forward from his retirement, and addressed his fellow Democrats, and asked for the ticket an energetic and hearty support. "He had come there," he said, "to take part in the proceedings, to express his hearty concurrence in the nominations made by the Baltimore Democratic convention, and to announce the determination faithfully to support them. The Democratic party had just passed through a crisis which served to prove the integrity of its principle, and the internal strength of its cause. After many differences of opinion, differences, however, about men, and not measures, the convention had chosen a man whose private character was irreproachable, and who, in various public stations, had given proof of his ability, and firmness, and devotion to those principles which the Democratic party deemed essential to the prosperity of our own country and the perpetuation of her free institutions. Nothing now is wanting to ensure success, but united exertion, and that we must and will have. Let us put behind us the divisions and preferences of the past, and join in one common effort to promote the triumph of our cause. Victory is in our power, and let us attain it. Let every one feel and fulfill his duty."

General Cass did not confine his efforts in support of the nomination to his own home. He took the *stump*, and traversed Michigan, Indiana, and Ohio, urging the people, with argument and eloquence, to cast their votes for Polk and Dallas. The campaign is noted for the very large gatherings of the people to hear what was to be said on both sides; and as the day of election approached, the two political parties vied with each other to get up the largest. In August an immense concourse of the friends of the Democratic ticket assembled at Nashville, and many of the most distinguished advocates of this ticket came there from the different sections of the Union. Among them was General Cass: and he availed himself of this opportunity to visit his respected

friend at the Hermitage. General Jackson was right glad to see him, and he had a delightful visit.

In his journey to and from Nashville, General Cass met with many of his old comrades in the wars. And numerous are the interesting anecdotes related. The following we re-produce, as evincive of character.

When at Norwalk, Ohio, while a number of revolutionary soldiers were being introduced to the General, one asked if he remembered him. Upon receiving a reply in the negative, the old soldier gave the following account of their first meeting: "In the spring of 1813, Fort Meigs was besieged by the British and Indians, and the Ohio militia were called out to march to the relief of the fort. General Cass was appointed to the command. The marshes and woods were filled with water, making the roads almost impassable. The commanding general had not yet arrived, but was daily expected. On the second day of the march, a young soldier, from exposure to the weather, was taken sick. Unable to march in the ranks, he followed along in the rear. When at a distance behind, attempting, with difficulty, to keep pace with his comrades, two officers rode along, one a stranger, and the other the colonel of the regiment. On passing him, the colonel remarked: 'General, that poor fellow there is sick; he is a good fellow though, for he refuses to go back; but I fear that the Indians will scalp him, or the crows pick him, before we get to Fort Meigs.' The officer halted, and dismounted from his horse. When the young soldier came up, he addressed him: 'My brave boy, you are sick and tired; I am well and strong; mount my horse and ride.' The soldier hesitated. 'Do not wait,' said the officer, and lifting him on his horse, with directions to ride at night to the General's tent, he proceeded to join the army. At night, the young soldier rode to the tent, where he was met by the General with a cheerful welcome, which he repaid with tears of gratitude. That officer was General Cass, and the young soldier is the person now addressing you. My name is John Laylin." The General, remembering the circumstance, immediately recognized him. Mr. Laylin added: "General, that deed was not done for the world to look upon; it was done in the woods, with but three to witness it."

Another. The carriage containing General Cass was one day stopped by a man who said, "General, I can't let you pass without speaking to you. You don't know me?" General Cass replied

that he did not. "Well, sir," said the man, "I was the first man in your regiment to jump out of the boat on the Canadian shore." "No, you were not," said the General, "I was the first man myself on shore." "True," said the other, "I jumped out first into the river, to get ahead of *you*, but you held me back, and got ahead of *me*."

On his way back to Detroit, he daily harangued the people that assembled in crowds to see him, to stand fast to their political integrity, and give the nominees of the Democratic convention a cordial and effective support. He called upon them to discard all jealousy—to sever themselves from all disaffection—and, in solid column, move forward to victory. Such an exhibition of disinterestedness influenced many a wavering Democrat to pursue firmly the line of duty, and sacrifice his personal inclinations upon the altar of principle. It was said that these personal efforts of General Cass determined the electoral vote of Indiana. It was cast for Polk and Dallas, as well as the vote of Michigan. Mr. Polk, in many localities, was comparatively unknown among the masses of the people.

These efforts, as well as the cheerful acquiescence and approval expressed by the other gentlemen whose names had been presented to the Democratic convention, beyond question contributed powerfully to the success which followed, in the elevation of James K. Polk to the Chief Magistracy, by an expressive majority over the popular and eloquent Whig leader, Henry Clay.

CHAPTER XXXII.

General Cass elected Senator — President Polk — His Message — The Monroe Doctrine — General Cass' Views—His Speech to the Senate.

The official term of Augustus S. Porter, as a senator of the United States from the State of Michigan, was to expire on the third of March, 1845. As soon as it was known that Mr. Polk was elected, a canvass commenced, and speculation was rife with rumors in relation to his cabinet. It was well understood that none of the then heads of Departments at Washington would be invited to remain. An entire change would take place. The names of many eminent men were suggested. Public expectation pointed to General Cass as the premier. But the people of Michigan desired to have the benefit of his services in the Senate, and were desirous that the Legislature should elect him as the successor of Mr. Porter. There was no occasion for any anxiety on this point, for long before the day for the Legislature to act, it was perfectly apparent what that action would be. Indeed, there was but one sentiment on the subject; and in due course of time, the Legislature, in compliance with public opinion, elected General Cass to serve as a senator of the United States from Michigan, for six years from the fourth of March, 1845. Every Democratic member of the Legislature, save two in the Senate, voted for him, and his election was regarded as unanimous. He proceeded to Washington, and took his seat in the Senate of the United States at the executive session called upon the inauguration of Mr. Polk.

The first session of the 29th Congress commenced on the first Monday of December, 1845, and this was the first regular meeting of Congress under the new administration. General Cass was in attendance at the commencement of the session. He entered upon a new field of official labor. His experience as a legislative debater was limited, for it was comprised in the single term he

served as a member of Assembly in the Ohio Legislature in 1806-7. He was now associated with the ablest men of the land. The brightest intellects of the country were there—minds long accustomed to parliamentary tactics, and of commanding influence. He appreciated his position and its embarrassments. He was fully aware, also, that nothing he might say or do in that body would escape the attention of his fellow-citizens. He was, therefore, to act carefully, and at the same time be up to his duty, with firmness and intelligence.

The President, in his annual message, informed Congress that it was his determination, in regard to the interference of foreign powers in American affairs, to adhere to the Monroe doctrine. He reminded the two Houses that neither the people of the United States, nor their government, could view with indifference the attempt of any European power to interfere with the independent action of the nations on this continent. The subject was recommended to the attention of congress, and senator Allen, of Ohio, a member of the Committee on Foreign Affairs, asked leave to introduce into the Senate a joint resolution declaratory of the principles by which the government of the United States would be guided in respect to the interposition of the powers of Europe in the political affairs of America on this continent. The question upon granting leave, came up for discussion on January 26th, 1846. It produced a debate which extended through many days. The leading members took part in the debate. General Cass advocated the motion. Messrs. Webster, Calhoun, Berrien, Corwin, and Crittenden, opposed it. General Cass supported the proposition upon the ground that it was the correct course to pursue in reference to the relations of the United States with England—that this country “could lose nothing at home or abroad by establishing and maintaining an American policy—a policy decisive in its spirit, moderate in its tone, and just in its objects—proclaimed and supported firmly, but temperately.”

The object of the recommendation in the President's message, and of this resolution, was to stay the consummation of the designs of the British government on the western continent. That government was at the bottom of all movements the tendency of which was the transfer of *balance* of power to monarchy, and especially to itself, on this side of the Atlantic. The treaty of Washington had encouraged this aspiration. Island after island,

country after country, were falling before the ambition of England. She was planting her standard wherever there was a people to be subdued or the fruits of industry to be secured. With professions of philanthropy, she was untiringly pursuing the designs of an infinite ambition, and no statesman could shut his eyes to the fact, that she was encircling the globe with her stations, wherever she could best accomplish her schemes of aggrandizement. No nation, since the fall of the Roman power, had displayed greater disregard for the rights of others, or more boldly aimed at universal domination. Many of the public men of the United States, and among the number was General Cass, were of the opinion that, in dealing with her, it was far better to resist aggression, whether of territory, of impressment, or of search, when first attempted, than to yield, in the hope that forbearance would be met in a just spirit, and lead to an amicable compromise. And they were right. A system of concession would have been, of all delusions, the most fatal, and we should have awoke from it a dishonored if not a ruined people.

In his remarks upon this resolution, General Cass most truly stated :

“But what is proposed by this resolution? It proposes, Mr. President, to repel a principle which two of the greatest powers of the earth are now carrying into practice upon this continent, so far as we can discover any principle involved in the war which the French and British are now waging against Buenos Ayres ; and a principle solemnly announced by the French prime minister in the Chamber of Deputies, clearly in doctrine, but cautiously in the remedy. I need not advert to the declaration made upon that occasion by M. Guizot—a declaration equally extraordinary and memorable. An honorable member of this body has the debate in full ; and I trust that, in the further discussion which this subject must undergo, and will undergo, in this body in one form or another, he will read the remarks of the French premier, and give us the able views I know he entertains of them. I will only add, that these remarks are eminently characteristic of a peculiar class of statesmen, who are always seeking some new and brilliant thought—something with which to dazzle the world as much as it dazzles themselves—some paradox or other as a shroud wherewith to wrap their dying frame. Plain, common sense, and

the true condition of men and communities, are lost in diplomatic subtleties.

“But what is this balance of power which is to cross the Atlantic and take up its abode in this new world? It is the assumption of a power which has deluged Europe in blood, and which has attempted to stifle the first germs of freedom in every land where they have started up; which has blotted Poland from the map of nations; which has given a moiety of Saxony, in spite of the prayers of the people, to Prussia; which has extinguished Venice and Genoa; which added Belgium to Holland, notwithstanding the repugnance of its inhabitants, who eventually rose in their revolutionary might, and asserted and achieved their own independence; which transferred Norway from Denmark, to which it was attached by old ties and by a mild government, to Sweden, who had to send an army and to call upon the navy of England to aid her to take possession of this gift of the holy alliance; which keeps Switzerland in an eternal turmoil, and which sent a French army into Spain to put down the spirit of liberty, and an Austrian army to Italy for the same purpose; and which watches and wards off the very first instincts of human nature to meliorate its social and political condition.

“It is the assumption of a power which enables five great nations of Europe—they are quintuple at present—to govern just as much of the world as will not or can not resist their cupidity and ambition, and to introduce new principles, at their pleasure and to their profit, into the code of nations; to proclaim that the slave trade is piracy by virtue of their proclamation, and that their cruisers may sweep the ocean, seizing vessels, and crews, and cargoes, and committing them to that great vortex which has swallowed up such a vast amount of our property and issued so many decrees against our rights—a court of admiralty; and, by-and-bye, will enable them to proclaim, if not resisted, that the cotton trade shall be piracy, or that the tobacco trade shall be piracy, or that anything else shall be piracy which ministers to our power and interest and does not minister to theirs.

“The honorable senators on the other side, who took part in the discussion respecting the national defenses, I believe, without exception, expressed their satisfaction at the President's message. And yet no man can doubt that, if the measures suggested by him are carried into effect, and if England does not recede greatly from

all her former positions, war must come. Still we are called panic-makers and seekers of war. As the thermometer of the stock exchange rises and falls, a representative of the people is wise or rash in the measures he proposes, or honest or dishonest in the motives that actuate him. It is not my habit to cast reflections upon any class of employment, but, without violating this rule, I may express the gratification that there are higher interests than those of stock-jobbing in this country, and a mighty mass who control its destinies, and who know nothing of the operations of a Wall street financier.

“Look at the state of things in Brazil! The treaty between that country and England, on the subject of the right of search, has expired. But has the right expired also? It has, but not the practice. England yet stops, with the strong hand, Brazilian ships wherever she finds them in tropical latitudes, and seizes and sends them to her own courts of admiralty for condemnation; and this in utter contempt of all the laws regulating the rights of independent nations.

“I allude to all these facts, sir, because they ought to warn us of our duty. I allude to them in despite of the charge which has been and will again be made out of the Senate, not in it, of a desire to excite undue prejudice against England. I have no such desire; but I have a desire that my own country should be aware of her true position, and should be prepared to meet her responsibility, whatever difficulties may beset her path—prepared, sir, in head, in hand, and in heart. Yes, sir, notwithstanding the severe commentaries which a casual expression of the honorable senator from Ohio has encountered from a portion of the public press, I will repeat the expression—prepared in the heart; for, if war should come, which may Providence avert, I trust the hearts of our countrymen will be prepared for the struggle it will bring. There is no better preparation, nor any surer cause or augury of success.”

In alluding to the debate on the President's message, he added:

“I expressed my approbation of the President's message; but, on the subject of the state of the country, I did not say one word more than I intended and intend now. I am no lover of war. I am no seeker of it; but I have to learn that it is hastened by adequate preparation. I have passed through one war, and hope never to see another. Still, I shall never cry peace! peace! unless

I believe there is truly peace. The honorable senator from Kentucky, whom I first met, many years ago, marching to the battlefield, and who will always be found on the side of his country, supposed, when the question of the national defense was under discussion, I had said war was inevitable. He misunderstood me. I considered the danger of war imminent, not inevitable. Had I thought it inevitable, I should not have submitted propositions for inquiry, but decisive measures for adoption. I hold on firmly, sir, to every word I said before, neither softening nor explaining, but denying, because I apprehended we might have war, therefore I desired it. And I still consider danger imminent—not diminished, so far as I know, by the recent arrival. The subject in controversy remains precisely as it was. The question was, and is, whether we shall surrender to the British demands, or whether the British government shall surrender to ours.”

The motion was adopted, and leave granted to the senator from Ohio to introduce the proposed resolution. The resolution, in substance, provided that Congress, concurring with the President, and sensible that a time had arrived when the government of the United States could no longer remain silent without being ready to submit to, and even to invite, the enforcement of the dangerous European doctrine of the “balance of power,” solemnly declare to the civilized world the unalterable resolution of the United States to adhere to and enforce the principle, that any effort of the powers of Europe to intermeddle in the social organization or political arrangements of the independent nations of America, or further to extend the European system of government upon this continent by the establishment of new colonies, would be incompatible with the independent existence of the nations, and dangerous to the liberties of the people of America, and, therefore, would incur, as by the right of self-preservation it would justify, the prompt resistance of the United States.

CHAPTER XXXIII.

The Oregon Question—General Cass addresses the Senate—His Opinions—Extracts from his Speech—His reply to Colonel Benton—The Treaty of Oregon—The Senate in Executive Session.

At this session of the 29th Congress, the Oregon question came up for discussion, and attracted much attention. The governments of the United States and Great Britain, in the year 1818, under date of the twentieth of October in that year, entered into a convention for the period of ten years—and subsequently, by an additional convention, under date of the sixth of August, 1827, this period of time was indefinitely extended. By the terms thereof, it was agreed that any country which was claimed by either party, upon the north-west coast of America, west of the Stony or Rocky Mountains, commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be “free and open” to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision in the third article of the said convention of the sixth of August; that either party might abrogate and annul the said convention, on giving notice of twelve months to the other contracting party.

This agreement was entered into, for the reason that the governments of the two countries were unsuccessful in then settling definitely their respective claims to the disputed territory. Several attempts had been made, from time to time, to agree upon a boundary line and adjust the controversy, but without avail. The United States had offered the parallel of the forty-ninth degree of north latitude, coupled with the concession of the free navigation of the Columbia river, south of that degree. Great Britain, on her part, had offered the same parallel of latitude from the Rocky Mountains to its intersection with the north-easternmost branch of the Columbia river, and thence down that river to the Pacific

ocean, together with a small detached territory north of the Columbia. Both parties rejected the propositions thus made.

In 1843 the United States Minister in London was authorized to renew the offer previously made to Great Britain, but while the subject was under consideration there, the negotiation was transferred to Washington. The British Minister, in August, 1844, opened the negotiation at Washington by a renewal of the previous offer made to the United States, with the addition of free ports south of forty-nine degrees. This proposition, if accepted, would have given Great Britain two-thirds of the entire territory known as Oregon, including the free navigation of the Columbia, and the harbors on the Pacific ocean, and was rejected as boldly as it was made. This offer and refusal terminated that negotiation, and no farther attempt at adjustment was made until 1845, when President Polk made an effort to settle the controversy amicably, and, if possible, satisfactorily. The British Minister rejected the overtures of President Polk; and as that functionary offered no counter proposition, the President withdrew the friendly offer he had made, and asserted the right of the United States to the whole of Oregon. As this proceeding closed the door to all further negotiation, the President recommended and urged upon Congress the necessity of terminating, by giving the proper notice, the agreement made in 1818, in regard to joint occupation.

Early in the session—on the eighteenth of December—Senator Allen, of Ohio, offered a joint resolution in the Senate, for the purpose of carrying into effect the views of the President. It was referred to the Committee on Foreign Relations, of which that senator was chairman, and was reported back to the Senate in the following form.

Resolved by the Senate, &c.:—That in virtue of the second article of the convention of the sixth of August, 1827, between the United States of America and Great Britain, relative to the country westward of the Stony or Rocky Mountains, the United States of America do now think fit to annul and abrogate that convention, and the said convention is hereby accordingly annulled and abrogated: provided that this resolution shall take effect after the expiration of the term of twelve months from the day on which due notice shall have been given to Great Britain of the passage of this resolution. And the President of the United States is hereby authorized and required to give such notice; and also at

the expiration of said convention, to issue his proclamation setting forth that fact.

A number of amendments were proposed to this resolution, and the consideration of the subject was fixed for the tenth of February. Mr. Allen opened the debate, which continued for two months. Most of the members of the Senate participated in the debate; and the discussion, at times, provoked much passion and even anger. The vital point was whether our government should insist on the parallel of fifty-four degrees and forty minutes, or recede to that of forty-nine. The principal opposition to the passage of the resolution came from the Whig side of the chamber. It was regarded as an administration measure. The entire subject was examined. The title of the two governments was elaborately and learnedly discussed. The library of Congress and the archives of the government were ransacked for precedent and authority. The emotions of senators reached the people, and furnished the chief staple of conversation all over this widely extended Union. Many believed that if the resolution passed both Houses of Congress, war was inevitable. General Cass remained a quiet but not an indifferent spectator of the debate. The public mind finally was on tip-toe to know what he had to say on this grave subject.

On the thirtieth of March he addressed the Senate in favor of the resolution. He did not enter into a formal discussion of the title of the United States to the whole of Oregon. He confined himself principally to the necessity and policy of the course suggested by the President. It was a masterly effort, and was read with eagerness by those who had an opportunity to do so. It exerted an immense influence in giving a proper direction to the public mind. This can be said without the appearance of disparagement to others. He had the subject by heart, and had given it long and serious reflection. Whoever desires to be informed, at this day, of the length and breadth of this formidable controversy, will be able to gratify himself by perusing the speech which he made on the occasion alluded to, and from which we make extracts sufficient to show his views. The Senate chamber was thronged with spectators; and among them were members of the cabinet, members of the House of Representatives, and foreign Ministers. The British Minister, to catch every word the senator uttered, took a seat near his desk, and listened throughout with

fixed attention. As he calmly proceeded from point to point, he commanded the attention of the entire Senate. He spoke not for display, nor for personal applause, but for his country and the maintenance of its honor and glory. He said :

“I do not rise, at this late period, to enter into any formal consideration of the principal topic involved in the proposition now pending before the Senate. I can not flatter myself that any such effort of mine would be successful, or would deserve to be so. I have listened attentively to the progress of this discussion, and, while I acknowledge my gratification at much I have heard, still, sentiments have been advanced, and views presented, in which I do not concur, and from which, even at the hazard of trespassing upon the indulgence of the Senate, I must express my dissent, and, briefly, the reasons of it. But, sir, I have not the remotest intention of touching the question of the title of Oregon. The tribute I bring to that subject is the tribute of conviction, not of discussion ; a concurrence in the views of others, not the presentation of my own. The whole matter has been placed in bold relief before the country and the world by men far more competent than I am to do it justice, and justice they have done it. The distinguished senator from South Carolina, who filled, a short time since, the office of Secretary of State, has left the impress of his talents and intelligence upon his correspondence with the British minister, and he left to an able successor to finish well a task which was well begun. And, upon this floor, the senator from New York instructed us, while he gratified us by a masterly vindication of the American title ; and he was followed by his colleague, and by the senator from Illinois, and by others, too, who have done honor to themselves while doing good service to their country.

“Before, however, I proceed further in my remarks, there is one subject to which I will make a passing allusion. As to correcting the misrepresentations of the day, whether these are voluntary or involuntary, he that seeks to do it only prepares for himself an abundant harvest of disappointment, and, I may add, of vexation. I seek no such impracticable object. In times like the present, when interests are threatened, passions excited, parties animated, and when momentous questions present themselves for solution, and the public mind is alive to the slightest sensation, we must expect that those, upon whose action depends the welfare, if not the destiny, of the country, will be arraigned, and assailed, and

condemned. I presume we are all prepared for this. We have all lived long enough to know that this is the tax which our position pays to its elevation. We have frequently been reminded, during the progress of this debate, of the responsibility which men of extreme opinions, as some of us have been called, must encounter, and have been summoned to meet it—to meet the consequences of the measures we invoke.

“During the course of a public life now verging towards forty years, I have been placed in many a condition of responsibility; and often, too, where I had few to aid me, and none to consult. I have found myself able to march up to my duty, and no responsibility, in cities or in forests, has been cast upon me which I have not readily met.

“As it is with me, so it is, I doubt not, with my political friends who regard this whole matter as I do, and who are ready to follow it to its final issue, whatever or wherever that may be. I submit to honorable senators, on the other side of the chamber, whether these adjurations are in good taste; whether it is not fair to presume that we have looked around us, examined what, in our judgment, we ought to do, and then determined to do it, come what may? This great controversy with England can not be adjusted without a deep and solemn responsibility being cast upon all of us. If there is a responsibility in going forward, there is a responsibility in standing still. Peace has its dangers as well as war. They are not, indeed, of the same kind, but they may be more lasting, more dishonorable, and more destructive of the best interests of the country, because destructive of those hopes and sentiments which elevate the moral above the material world. Let us, then, leave to each member of this body the course that duty points out to him, together with the responsibility he must meet, whether arraigned at the tribunal of his conscience, his constituents, or his country.

“I observe that, as well myself as other senators upon this side of the Senate, have been accused of dealing in *rant and abuse*—that, I believe, is the term—in the remarks we have submitted, from time to time, upon the subject, as it came up incidentally or directly for consideration. This *rant and abuse*, of course, had reference to remarks upon the conduct and pretensions of England.

“I should not have adverted to this topic had it not been that the honorable senator from North Carolina, [Mr. Haywood,] not

now in his place, had given color to the charge by the expression of his 'mortification in being obliged to concede to the debates in the British Parliament a decided superiority over ourselves in their dignity and moderation.'

"He expressed the hope that 'we might get the news by the next packet of an outrageous debate in the British Parliament; at least, sufficient to put them even with us on that score.'

"Now, Mr. President, it is not necessary to wait for the next packet for specimens of the courtesies of British parliamentary eloquence.

"I hold one in my hands, which has been here some time, and which, from the circumstances, and from the station of the speaker, I, at least, may be permitted to refer to when I find myself, among others, charged with participating in an outrageous debate, and when patriotism would seem to demand an unbecoming exhibition in the British Parliament, in order to restore, not our dignity, but our self-complacency.

"Now, sir, I am a firm believer in the courtesies of life, public and private, and I desire never to depart from them. In all I have said I have not uttered a word which ought to give offense, even to political fastidiousness. I have spoken, to be sure, plainly, as became a man dealing in great truths, involving the character and interests of his country, but becomingly. I have not, indeed, called ambition moderation, nor cupidity philanthropy, nor arrogance humility. Let him do so who believes them such. But I have heard the desire of the West, that the sacred rights of their country should be enforced and defended, called *western avidity*, in the Senate of the United States! I have not even imitated Lord John Russell, and talked of blustering. Still less have I imitated a greater than Lord John Russell in talents, and one higher in station, though far lower in those qualities that conciliate respect and esteem, and preserve them.

"He who seeks to know the appetite of the British public for abuse, and how greedily it is catered for, has but to consult the daily columns of the British journals; but let him who has persuaded himself that all is decorum in the British Parliament, and that these legislative halls are but bear-gardens compared with it, turn to the speeches sometimes delivered there. Let him turn to a speech delivered by the second man in the realm—by the late Lord Chancellor of England—the Thersites indeed of his day and

country, but with high intellectual powers, and a vast stock of information, and who, no doubt, understands the taste of his countrymen, and knows how to gratify it.

“I have no pleasure in these exhibitions, which lessen the dignity of human nature, but we must look to the dark as well as to the bright side of life, if we desire to bring our opinions to the standard of experience. In a debate in the British House of Lords, on the 7th of April, 1843, I had the honor to be the subject of the vituperation of Lord Brougham, and an honor I shall esteem it, under the circumstances, as long as the honors of this world have any interest for me. I shall make no other allusion to the matter but what is necessary to the object I have in view—to exhibit the style of debate there, so much landed here, and held up to our countrymen as the *beau ideal* of all that is courteous and dignified in political life. ‘There was one man,’ said the ex-chancellor, ‘who was the very impersonation of mob-hostility to England.’ He wished to name him, that the name might be clear as the guilt was undivided. He meant General Cass, whose breach of duty to his own government was so discreditable and even more flagrant than his breach of duty to humanity as a man, and as the free descendant of free English parents, and whose conduct, in all those particulars, it was impossible to pass over or palliate. This person, who had been sent to maintain peace, and to reside at Paris for that purpose, after pacific relations had been established between France and America, did his best to break it, whether by the circulation of statements upon the question of international law, of which he had no more conception than of the languages that were spoken in the moon, [loud laughter,] (this sarcasm provoked their grave lordships to merriment,) or by any other arguments of reason, for which he had no more capacity than he had for understanding legal points and differences. For that purpose he was not above pandering to the worst mob feeling of the United States—a *lawless set of rabble politicians of inferior caste and station—a groveling, groundling set of politicians—a set of mere rabble, as contradistinguished from persons of property, or respectability, and of information—groundlings in station,*’ &c.

“And I am thus characterized by this *modest* and *moderate* English lord, because I did what little was in my power to defeat one of the most flagitious attempts of modern times to establish a dominion over the seas, and which, under the pretext of abolishing

the slave trade, and, by virtue of a quintuple treaty, would have placed the flag and ships and seamen of our country at the disposal of England.

“Lord Brougham did not always talk thus—not when one of his friends applied to me in Paris to remove certain unfavorable impressions made in a *high quarter* by one of those imprudent and impulsive remarks which seem to belong to his moral habits. The effort was successful. And now my account of good for evil with Lord Brougham is balanced.

“It is an irksome task to cull expressions like these and repeat them here. I hold them up, not as a warning—that is not needed—but to repel the intimation that we ought to study the courtesies of our position in the British Parliament.

“When I came here, sir, I felt it due to myself to arraign no one’s motives, but to yield the same credit for integrity of action to others which I claimed for myself. The respect I owed to those who sent me here, and to those to whom I was sent, equally dictated this course. If some of us, as has been intimated, are small men who have attained high places, if we have no other claim to this false distinction, I hope we shall, at least, establish that claim which belongs to decorum of language and conduct, to life and conversation.”

General Cass then proceeds to depict the position and duties of a senator of the United States. He spoke the words of truth; and, considering the occasion, it can be said, with equal truth, that they were well-timed:

“We all occupy positions here high enough, and useful enough, if usefully filled, to satisfy the measure of any man’s ambition. It ought to be our pride and our effort to identify ourselves with this representative body of the sovereignties of the States; with this great depository of so much of the power of the American people in the three great departments of their government, executive, legislative, and judicial—to establish an *esprit du corps*, which, while it shall leave us free to fulfill our duties, whether to our country or to our party, shall yet unite us in a determination to discard everything which can diminish the influence, or lessen the dignity of the Senate of the United States. While I have the honor of a seat here, I will do nothing to counteract these views. I will bandy words of reproach with no one. And the same measure of courtesy I am prepared to mete to others, I trust will

be meted by others to me. At any rate, if they are not, I will have no contention in this chamber.

“I have regretted many expressions which have been heard during the progress of this discussion. *Faction, demagogues, ultra patriots, ambitious leaders, inflammatory appeals, invective, little men seeking to be great ones*, and other terms and epithets not pleasant to hear, and still less pleasant to repeat. Now, sir, nothing is easier than a bitter retort; and he who impugns the motives of others, can not complain if he is accused of measuring them by his own standard, and seeking in his own breast their rule of action. If one portion of the Senate is accused of being *ultra* on the side of their country’s pretensions, how easy to retort the charge by accusing the accusers of being *ultra* on the other? But what is gained by this war of words? Nothing. On the contrary, we lower our dignity as senators, and our characters as men. For myself, I repudiate it all. I will have no part nor lot in it. I question the motives of no honorable senator. I believe we have all one common object—the honor and interest of our country. We differ as to the best means of action; and that difference is one of the tributes due to human fallibility. But there is no exclusive patriotism on one side or other of this body, and I hope there will be no exclusive claim to it.

“Some days since, in an incidental discussion which sprung up, I remarked that I could not perceive why the parallel of 49° was assumed as the boundary of our claim. Why any man planted his foot on that suppositious line upon the face of the globe, and erecting a barrier there, said, all to the north belongs to England, and all to the south to the United States. My remark was merely the expression of my views, without touching the reasons on which they were founded. The honorable senators from Maine, and Maryland, and Georgia, have since called in question the accuracy of this opinion, and have entered somewhat at length into the considerations which prove that line the true line of demarcation between the two countries. And the senator from North Carolina [Mr. Haywood] lays much stress upon this matter, making it in fact the foundation of a large portion of his argument. That parallel is, in his view, the wall of separation between our questionable and our unquestionable claims. To the south he would not yield; to the north he would, though he thinks that even there our title is the best. There is an erroneous impression

upon this subject somewhere, either with the *ultra*, or (if I may coin a word) the *un-ultra* advocates of Oregon; and as this line seems to be a boundary, beyond which we may look, indeed, and wish, but must not go, it is worth while to examine summarily what are its real pretensions to the character thus assumed for it, of being the line of contact and of separation between two great nations.

“There is no need of discussing the right of civilized nations to appropriate to themselves countries newly discovered and inhabited by barbarous tribes. The principle and the practice have been sanctioned by centuries of experience. What constitutes this right of appropriation, so as to exclude other nations from its exercise in a given case, is a question which has been differently settled in different ages of the world. At one time it was the Pope’s bull which conferred the title; at another it was discovery only; then settlement under some circumstances, and under others discovery; and then settlement and discovery combined. There has been neither a uniform rule nor a uniform practice. But under any circumstances, it is not easy to see why a certain parallel of latitude is declared to be the boundary of our claim. If the valley of a river were assumed, a principle might be also assumed, which would shut us up in it. This would be a natural and a tangible boundary. How, indeed, England could look to her own practice and acquisitions, and say to us, you are stopped by this hill, or by that valley, or by that river, I know not. England, whose colonial charters extended from the Atlantic to the South sea, as the Pacific ocean was then called, and who actually ejected the French from the country between the mountains and the Mississippi, where they had first established themselves, upon the very ground that their own right of discovery, as shown by these charters, ran indefinitely west; and who now holds the continent of Australia—a region larger than Europe—by virtue of the right of discovery; or, in other words, because Captain Cook sailed along a portion of its coast and occasionally hoisted a pole or buried a bottle. I am well aware there must be limits to this conventional title, by which new countries are claimed; nor will it be always easy to assign them in fact, as they can not be assigned in principle. We claim the Oregon territory. The grounds of this claim are before the world. The country it covers extends from California to the Russian possessions, and from the Rocky

mountains to the Pacific ocean,—a homogeneous country, unclaimed by England when our title commenced, similar in its character, its productions, its climate, its interests, and its wants, in all that constitutes natural identity, and by these elements of union calculated forever to be united together,—no more to be divided by the parallel of 49° than by the parallel of 43° , nor by any of the geographical circles marked upon artificial globes; no more to be so divided than any of the possessions of England scattered over the world. In thus claiming the whole of this unappropriated country, unappropriated when our title attached to it, the valley of the Columbia, the valley of Frazer's river, and all the other hills and valleys which diversify its surface, we but follow the example set us by the nations of the other hemisphere, and hold on to the possession of a country which is one, and ought to be indivisible.

“It is contended that this parallel of 49° is the northern boundary of our just claim, because for many years it was assumed as such by our government, and that we are bound by its early course in this controversy; that the treaty of Utrecht, in 1713, between France and England, provided for the appointment of commissioners to establish a line of division between their respective colonies upon the continent of North America, and that this parallel of 49° was thus established. The honorable senator from Georgia, in his remarks a few days since, if he did not abandon this pretension, still abandoned all reference to it, in the support of his position. He contended that the parallel of 49° was our boundary, but for other reasons. In the view I am now taking, sir, my principal object, as will be seen, is to show that we are at full liberty to assert our claim to the country north of 49° , unembarrassed by the early action of our own government, by showing that the government was led into error respecting its rights by an historical statement, probably inaccurate in itself, certainly inaccurate if applied to Oregon, but then supposed to be true in both respects. Now, what was this error? It was the assertion I have just mentioned, that agreeably to the treaty of Utrecht, the parallel of 49° was established as a boundary, and having been continued west, had become the northern limit of Oregon, at least of our Oregon. Upon this ground, and upon this ground alone, rested the actions and the pretensions of our government in this matter. So far, then, as any question of

national faith or justice is involved in this subject, we must test the proceedings of the government by its own views, not by other considerations presented here at this day. The government of the United States gave to that of Great Britain their claim, and their reasons for it. That claim first stopped at 49° , while the treaty of Utrecht was supposed to effect it, as part of Louisiana, and before we had acquired another title by the acquisition of Florida. Since then, it has been ascertained that that treaty never extended to Oregon; and we have strengthened and perfected our claim by another purchase. It is for these reasons that I confine myself to what has passed between the two governments, with a view to ascertain our present obligations, and omit the considerations presented by the honorable senator from Georgia. I will barely remark, however, that in the far most important fact to which he refers, as affecting the extent of our claim — to wit: the latitude of the source of the Columbia river — he is under a misapprehension. He put it at 49° , but it is far north of that. It is navigable by canoes to the Three Forks, about the latitude of 52° . How far beyond that is its head spring, I know not.

“Mr. Greenhow, in his work on Oregon—a work marked with talent, industry, and caution — has explained how this misapprehension respecting the parallel of 49° originated. He has brought forward proofs, both positive and negative, to show that no such line was established by the treaty of Utrecht, nor by commissaries named to carry its provisions into effect. I shall not go over the subject, but beg leave to refer the gentlemen who maintain the contrary opinion, to the investigations they will find in that work. The assertion, however, has been so peremptorily made, and the conclusions drawn from it, if true, and if the line extended to Oregon, would discredit so large a portion of our title to that country, that I may be pardoned for briefly alluding to one or two considerations which seem to me to demonstrate the error respecting this assumed line of parallel of 49° , at any rate in its extension to Oregon.

“It will be perceived, sir, that there are two questions involved in this matter: one a purely historical question, whether commissaries acting under the treaty of Utrecht, established the parallel of 49° as the boundary between the French and English possessions upon this continent; and the other a practical one, whether such a line was extended west to the Pacific ocean.

“As to the first, sir, I refer honorable senators to Mr. Greenhow’s work, and to the authorities he quotes. I do not presume to speak authoritatively upon the question, but I do not hesitate to express my opinion that Mr. Greenhow has made out a strong case; and my own impression is, that such a line was not actually and officially established. Still, sir, I do not say that it is a point upon which there may not be differences of opinion; nor that, however it may be ultimately determined, the solution of the matter will discredit the judgment of any one. This, however, has relation to the line terminating with the Hudson Bay possessions; and, as I have observed, the fact is a mere question of history, without the least bearing upon our controversy with England.

“I have, however, one preliminary remark to make in this connection, and it is this: let him who asserts that our claim west of the Rocky mountains is bounded by the parallel of 49° , prove it. The burden is upon him, not upon us. If commissaries under the treaty of Utrecht established it, produce their award. Proof of it, if it exists, is to be found in London or Paris. Such an act was not done without leaving the most authentic evidence behind it. Produce it. When was the award made? What were its terms? What were its circumstances? Why, a suit between man and man for an *inch* of land, would not be decided by such evidence as this, especially discredited as it is, in any court of the United States. The party claiming under it would be told, *There is better evidence in your power. Seek it in London or Paris, and bring forward the certified copy of the proceedings of the commissioners.* This is equally the dictate of common sense and of common law, and there is not always the same union between those high tribunals, as many know to their cost. Let no man, therefore, assume this line as a barrier to his country’s claim without proving it.

“This is first historically made known in the negotiations between our government and that of England by Mr. Madison, in a dispatch to Mr. Monroe in 1804. Mr. Madison alludes to an historical notice he had somewhere found, stating that commissioners under the treaty of Utrecht had established the line of 49° as the boundary of the British and French possessions, thus fixing that parallel as the northern boundary of Louisiana. I have examined this dispatch, and I find that he speaks doubtfully respecting the authenticity of this notice; and desires Mr. Monroe,

before he made it the basis of a proposition, to ascertain if the facts were truly stated, as the means of doing so were not to be found in this country. Mr Monroe, however, could have made no investigation; or, if he did so, it must have been unsatisfactory, for he transmits the proposition substantially in the words of the historian Douglas, from whom, probably, Mr. Madison acquired this notice, without reference to any authority, either historical or diplomatic.

"I can not find that the British government ever took the slightest notice of the assertion respecting this incident, growing out of the treaty of Utrecht, though it has been referred to more than once by our diplomatic agents, in their communications to the British authorities since that period.

"But in late years it has disappeared from the correspondence, and neither party has adverted to it, nor relied upon it. It is strange, indeed, that in this body we should now assume the existence of a fact like this, supposed to have a most important bearing upon the rights of the parties, when the able men to whose custody the maintenance of these rights has been recently committed, have totally abandoned it in their arguments and illustrations. The assumption was originally an erroneous one—certainly so, so far as respects Oregon; but while it was believed to be true, the consequences were rightfully and honestly carried out by our government, and the line was claimed as a boundary. But our government is now better informed, as the British government, no doubt, always were, and thence their silence upon the subject; and the titles of both parties are investigated without reference to this historical error, or to the position in which it temporarily placed them.

"The treaty of Utrecht never refers to the parallel of 49°, and the boundaries it proposed to establish were those between the French and English colonies, including the Hudson Bay Company in Canada. The charter of the Hudson Bay Company granted to the proprietors all the 'lands, countries, and territories,' upon the waters discharging themselves into Hudson's Bay. At the date of the treaty of Utrecht, which was in 1713, Great Britain claimed nothing west of those 'lands, countries, and territories,' and of course there was nothing to divide between her and France west of that line.

“Again, in 1713, the north-western coast was almost a *terra incognita* — a blank upon the map of the world. England then neither knew a foot of it, nor claimed a foot of it. By adverting to the letter of Messrs. Gallatin and Rush, communicating an account of their interview with Messrs. Goulburn and Robinson, British commissioners, dated October 20th, 1818, and to the letter of Mr. Pakenham to Mr. Calhoun, dated September 12th, 1844, it will be seen that the commencement of the British claim is effectively limited to the discoveries of Captain Cook in 1778. How, then, could a boundary have been established fifty years before, in a region where no Englishman had ever penetrated, and to which England had never asserted a pretension? And yet the assumption that the parallel of 49° was established by the treaty of Utrecht, as a line between France and England in those unknown regions, necessarily involves these inconsistent conclusions. But besides, if England, as a party to the treaty of Utrecht, established this line running to the western ocean as the northern boundary of Louisiana, what possible claim has she now south of that line? The very fact of her existing pretensions, however unfounded these may be, shows that she considers herself no party to such a line of division. It shows, in fact, that no line was run; for if it had been, the evidence of it would be in the English archives, and, in truth, would be known to the world without contradiction. The establishment of boundary between two great nations is no hidden fact; and we may now safely assume that the parallel of 49° never divided the Oregon territory, and establishes no barrier to the rights by which we claim it. The assertion was originally a mere *dictum*, now shown to be unfounded.

“The senator from Maine has adverted likewise to the treaty of 1763, as furnishing additional testimony in favor of this line. That treaty merely provides that the *confines between the British and French dominions shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source, &c.* This is the whole provision that bears upon this subject. I do not stop to analyze it. That can not be necessary. It is obvious that this arrangement merely established the Mississippi river as a boundary between the two countries, leaving their other claims precisely as they formerly existed. And this, too, was fifteen years before the voyage of Captain Cook, the commencement of the British

title on the north-west coast. Briefly, sir, there are six reasons which prove that this parallel was never established under the treaty of Utrecht, so far at least as regards Oregon.

"1. It is not shown that any line was established on the parallel of 49° to the Pacific ocean.

"If the fact be so, the proper evidence is at Paris or London, and should be produced.

"2. The country on the north-western coast was then unknown, and I believe unclaimed; or, at any rate, no circumstances had arisen to call in question any claim to it.

"3. The British negotiators in 1826, and their minister here in 1844, fixed, in effect, upon the voyage of Captain Cook in 1788 as the commencement of the British title in what is now called Oregon.

"4. The treaty of Utrecht provides for the establishment of a line between the French and English colonies, including the Hudson's Bay Company. The British held nothing west of that company's possessions, which, by the charter, includes only the 'lands, countries, and territories,' on the waters running into Hudson's Bay.

"5. If England established the line to the Pacific ocean, she can have no claim south of it; and this kind of *argumentum ad hominem* becomes conclusive. And let me add, that I owe this argument to my friend from Missouri, [Mr. Atchison,] to whose remarks upon Oregon the Senate listened with profit and pleasure some days since.

"6. How could France and England claim the country to the Pacific, so as to divide it between them in 1730, when, as late as 1790, the British government, by the Nootka convention, expressly recognized the Spanish title to that country, and claimed only the use of it for its own subjects, in common with those of Spain?

"I now ask, sir, what right has any American statesman, or what right has any British statesman, to contend that our claim, whatever it may be, is not just as good north of this line as it is south of it? When this question is answered to my satisfaction, I, for one, will consent to stop there; but, until then, I am among those who mean to march, if we can, to the Russian boundary.

"Now, Mr. President, it is the very ground assumed by the senator from North Carolina, and by other senators, respecting this parallel of 49°, together with the course of this discussion,

which furnishes me with the most powerful argument against the reference of this controversy to arbitration.

"I have shown, I trust, that there is no such line of demarcation established under the treaty of Utrecht, extending to the Oregon territory, and the misapprehension whence the opinion arose.

"While such a conviction prevailed, it was fairly and properly assumed by the government as the northern boundary of the Oregon claim before the Florida treaty. Since that treaty I consider the offers on our part as offers of compromise, not recognitions of a line; from the resumption of negotiations by Mr. Rush, who carried our title to 51°, to their abandonment in 1827 by Mr. Gallatin, who, finding a satisfactory adjustment impossible, withdrew the pending offer, and asserted that his government 'would consider itself at liberty to contend for the full extent of the claims of the United States.' And for their full extent we do claim. And I take the opportunity to tender my small tribute of approbation to the general conduct of these negotiations by the American government and their commissioners, and especially to Mr. Rush, a citizen as well known for his private worth as for his high talents and great public services, and who seems to have been the first, as Mr. Greenhow remarks, 'to inquire carefully into the facts of the case.'

"And it is not one of the least curious phases of this controversy, that down to this very day the pretensions of England are either wholly contradictory, or are shrouded in apparently studied obscurity. She asserts no exclusive claim anywhere, but an equal claim everywhere.

"'A right of joint occupancy in the Oregon territory,' says the British minister in his letter to Mr. Calhoun, of September 12th, 1844, 'of which right she can be divested with respect to any part of that territory, only by an equal partition of the *whole between the parties.*'

"And yet, notwithstanding he refers to the *whole* territory, still in the protocol of the conference at Washington, dated September 24th, 1844, he *refused to enter into any discussion respecting the country north of 49°, because it was understood by the British government to form the basis of negotiation on the part of the United States.* Thus, on the 12th of September, recognizing our right to an equal, undivided moiety of Oregon, and two weeks after coolly claiming the northern half of it as a fact not even to

be called into question, and then offering to discuss with us the mutual claims of the two countries to the southern half!

“Well, sir, influenced by the motives I have stated, and by a desire to terminate this tedious controversy, this parallel of 49°, sometimes with, and sometimes without an accessory, has been four times offered by us to the British government, and four times rejected, and once indignantly so; and three times withdrawn. Twice withdrawn in the very terms—once by Mr. Gallatin, November 15th, 1826, who withdrew a proposition made by Mr. Rush, and once during the present administration; and once withdrawn in effect, though without the use of that word, by Mr. Gallatin, in 1827, who announced to the British negotiators ‘that his government did not hold itself bound hereafter, in consequence of any proposal which it had made for a line of separation between the territories of the two nations beyond the Rocky mountains, but would consider itself at liberty to contend for the full extent of the claims of the United States.’

“The senator from Louisiana will perceive that he was in error yesterday when he said that no offer of a compromise had ever been withdrawn till the withdrawal made by the present administration, unless such offer had been announced as an ultimatum. But without recurring to any authority upon this subject, it is evident that if a nation is forever bound by an offer of compromise, no prudent nation would ever make such an offer. There would be no reciprocity in such a condition of things. In controversies respecting territory, each party would hold on to its extreme limit; for if it made an offer less than that, it would abandon, in fact, so much of its own pretensions, leaving those of its opponent in their full integrity.

“Such, sir, is the state of our controversy with England, and yet honorable senators on this floor, able lawyers and jurists also, maintain that this line, thus offered and refused, and withdrawn, is now in effect the limit of our claim, and that we are bound honorably and morally, and they say, at the risk of the censure of the world, to receive it as our boundary whenever England chooses so to accept it. This is all very strange, and would seem to me so untenable as not to be worthy of examination, if it were not urged by such high authorities. Let us look at it.

“The honorable Senator from Maryland has entered more fully

into this branch of the subject than any other member of this body, and I shall therefore confine my inquiries to his remarks.

“There are two propositions connected with this matter, which it is proper to consider separately. The first is, the obligation upon the President, agreeably to his own views, to accept this rejected offer if it comes back to him ; and the other is, the obligation upon the country, and upon this body, as one of its depositories of the treaty-making power, to confirm the act of the President, should it come here for confirmation. What, sir, is a compromise? It is an offer made by one party to the other to take less than his whole claim, with a view to an amicable adjustment of the controversy, whatever this may be. The doctrine of compromises is founded upon universal reason ; and its obligations, I believe, are everywhere the same, whether in the codes of municipal or general law. An offer made in this spirit never furnishes the slightest presumption against the claim of the party making it, and for the best of reasons; not only that this amicable process of settlement may be encouraged and extended, but because it will often happen that both individuals and nations may be willing to sacrifice a portion of what they consider their just rights, rather than encounter the certain expense and trouble, and the uncertain issue of litigation, whether that litigation be in a court of justice, or upon a battle-field. Such is the general principle ; and the practical operation of any other would hold one of the parties forever bound, and leave the other forever free. One makes his offer and must adhere to it, while the other declines it or refuses it, and still may hold on to it indefinitely.

“Surely it can not be necessary to pursue this illustration farther. Such a construction as this, which plays fast and loose at the same time, carries with it its own refutation, however respectable the authority which attempts to support it. But, reverting to the obligations of the President, what says the honorable senator from Maryland? He says that the President—not James K. Polk, but the Chief Magistrate of the nation—having felt an implied obligation to renew the offer of 49°, is now bound in all time to accept it, and, I suppose, patiently to wait for it till the demand comes. I must say, that in this brief abstract of the President's views, the senator has hardly done justice to him. I do not stand here to say what the President will do, should Great Britain propose to accept the parallel of 49° as the boundary between

the two countries. In the first place, it would be to argue upon a gratuitous assumption. I have not the slightest reason to believe that the British government have given any intimation that it will ever come back to that line. But, in the second place, if it should, what then? The incipient step is for the President to take; and I should leave the matter here, without remark, had not the senator from Maryland, and the senator from North Carolina, and other senators, labored to impress the conviction, that the President ought, and must, and would, close with the British proposition to accept the parallel of 49°, should it be made. I shall not analyze the words of the President's message, but content myself with a general allusion to it. Truth is seldom promoted by picking out particular phrases, and placing them in juxtaposition. The President says—and it is evident the whole message was carefully prepared—that though he entertained the settled conviction, that the British title to any portion of Oregon could not be maintained, yet, in deference to the action of his predecessors, and to what had been done, and in consideration that the pending negotiations had been commenced on the basis of compromise, he determined, in a spirit of compromise, to offer a part of what had been offered before—the parallel of 49°, without the navigation of the Columbia river. He says this proposition was rejected, and in what terms we all know, and that he immediately withdrew it, and then asserted our title to the whole of Oregon, and maintained it by irrefragable arguments. Now, sir, I am not going to argue with any man who seeks to deduce from this language a conviction in the mind of the President, that he considers himself under the slightest obligation to England to accept the parallel of 49°, should she desire it as a boundary. In this account of his proceedings, he is explaining to his countrymen the operations of his own mind, the reasons which induced him to make this offer, made, as he says, 'in deference alone to what had been done by my predecessors, and the implied obligations their acts seemed to impose.' What obligations? None to England, for none had been created; but the obligations imposed upon a prudent statesman to look at the actions and views of his predecessors, and not to depart from them without good reasons. The obvious meaning is this: I found the negotiations pending; after an interval of almost twenty years, they had been renewed; they began on the basis of compromise, and though three times a

compromise had been offered to England and rejected, and though she had not the slightest right to claim, or even to expect it would be offered to her again, and though I determined, that the same proposition should not be offered to her, still, as a proof of the moderation of the United States, I deemed it expedient to make her another offer, less than the preceding one, which a quarter of a century before she had rejected. A curious obligation this, if it has reference to the rights of England, and a curious mode of fulfilling it! If he (the President) were under any obligations to her, the obligation was complete to make the offer as it had been made before. And she has the same right to claim the navigation of the Columbia river that she has to claim the parallel of 49° as a boundary; and the honorable senator from Louisiana has placed the matter upon this very ground."

Several senators on the Democratic side of the chamber changed their position as the debate progressed. At the commencement of the session, they were counted, at least, as standing on the parallel of $54^{\circ} 40'$, but, ere the day when the veteran statesman of Michigan spoke so ably to them, they had sought, or were seeking, the parallel of 49° . Upon the minds of those who had taken courage to advocate the latter parallel, General Cass did not expect to make an impression. Of this class were Mr. Haywood, of North Carolina, and Mr. Dix, of New York. But he did venture to hope that his argument might move the minds of others.

With the view of making this change of position as agreeable as was convenient, hints were first thrown out, and in the sequel it was roundly asserted, that the executive had receded. For the thousandth time, the GILDED PILL was prescribed—on this occasion, its coat was the official patronage at the other end of Pennsylvania Avenue. This allurements dazzled in the pathway of those who would face all Europe in arms, before they would voluntarily yield an inch of American soil to the unjust pretensions of England. General Cass, with others, contemned the idea even, as incompatible with integrity. He went farther. He defended the President from these aspersions. He stripped the pill of its fascinating exterior, and exposed its rottenness; and rotten it was, to the core.

"Mr. President," continued General Cass, "the honorable senator from North Carolina, not now in his seat, called those who believe our title to $54^{\circ} 40'$ to be clear, the *ultra* friends of the

President, and, I understood him, he claimed to be his true friend, saving him from those imprudent ones. As I find myself in this category, I am obnoxious to the charge, and with the natural instinct of self-defense, I desire to repel it. We are *ultra* friends, because we do not stop at 49°. I have already shown, that there is no stopping place on that parallel—no true rest for an American foot. The senator himself considers our title to that line clear and indisputable, and I understood him that he would maintain it, come what might. Well, if it is found that the treaty of Utrecht no more extended to Oregon than to the moon, whatever other boundary may be sought or found, it can not be that purely gratuitous boundary—the parallel of 49°. And as the senator from North Carolina must leave it, where will he find a better barrier than the Russian possessions? But he says, also, that though our title to the country north of 49° is not indisputable, still it is better than any other title. Now, I will appeal to the senator's charity—no, not to his charity, that is not necessary—but I will appeal to his sense of justice, to say whether such a difference of opinion as exists between himself and me on this subject can justly be characterized as *ultraism* on my part. Our title, he says, is the best—not indisputable; but still the best. The same evidence which produced this conviction in his mind, produces a stronger one in mine; and this is the tribute which every day's experience pays to human fallibility. We are differently constituted, and differently affected by the same facts and arguments. While the honorable senator stands upon the parallel of 49°, as the precise line where our questionable and unquestionable titles meet, there are many, and I am among the number, who carry our unquestionable title to the Russian boundary in one direction, and some, perhaps, though I have not found one, who carry it in another direction to the Columbia river. It seems to me in bad taste, to say the least of it, for any member to assume his own views as infallible, and to say to all the world, who differ from him, whether on the right hand or on the left, My opinion is the true standard of orthodoxy, and every one who departs from it is a *heretic* and an *ultra*. Thus to stigmatize a large portion of the Senate, is not, I am sure, the intention of the senator; but such is, in fact and effect, the direct tendency of his remarks. We are *ultra*, because, to use a somewhat quaint but a forcible apothegm, *we will not measure our corn by his bushel*.

Why, sir, we have each a bushel of our own, given us by the Creator, and till the senator's is sealed and certified by a higher authority, we beg leave to keep our own, and to measure our duties by it.

"I did not understand the precise object of some of the remarks of the senator from North Carolina, though I had less difficulty respecting the remarks themselves. He told us the President nowhere claimed $54^{\circ} 40'$; and I presume he thus contended in order to show that the President might consistently accept any boundary south of that parallel. I again disclaim all interference with the President in the execution of his duties. I do not think, that what he will do in a gratuitous case, should furnish the subject of speculation upon this floor. I know what I will do, and that is enough for me; and as I took the opportunity, three years ago, in a public and printed address, at Fort Wayne, to define my position in this matter, before I became a member of this body, my allusion to it here can not be deemed the premature expression of my opinion. I then said :

" 'Our claim to the country west of the Rocky Mountains is as undeniable as our right to Bunker Hill and New Orleans; and who will call in question our title to these blood-stained fields? And I trust it will be maintained with a vigor and promptitude equal to its justice. War is a great evil, but not so great as national dishonor. Little is gained by yielding to insolent and unjust pretensions. It is better to defend the first inch of territory than the last. Far better, in dealing with England, to resist aggression, whether of impressment, of search, or of territory, when first attempted, than to yield, in the hope that forbearance will be met in a just spirit, and will lead to an amicable compromise. Let us have no red lines upon the map of Oregon. Let us hold on to the integrity of our just claim. And if war come, be it so; I do not believe it will be long avoided, unless prevented by intestine difficulties in the British Empire. And wo be to us, if we flatter ourselves it can be arrested by any system of concession. Of all delusions, this would be the most fatal, and we should awake from it a dishonored, if not a ruined people.'

"Now, the Oregon, I claim, is all Oregon, and no vote of mine in this Senate will surrender one *inch* of it to England. But the senator from North Carolina says, that the Oregon the President claims is an Oregon of his own, and not the country which now

excites the anxious solicitude of the American people. And if it were so, is it the duty of a friend, I may almost say claiming to be an exclusive one, to hold up to his countrymen the word of promise of their Chief Magistrate, thus kept to the ear, but not to the hope? But it is not so. The honorable senator has been led into an error—a palpable error. The President says, the British pretensions could not be maintained to *any portion of the Oregon territory*. He says, also, that our title to the *whole of the Oregon territory* is maintained by irrefragable facts and arguments. He says, British laws have been extended throughout the *whole of Oregon*. Now, sir, has any man a right to say, that the President falters in his purpose, by talking of the whole of a country, when he does not mean the whole of it? No, sir; the idea never occurred to him, never crossed his mind. When he said Oregon, he meant so; and I have no more doubt, than I have of my existence, that he believes as firmly in the American title to it, as he believes he is now the Chief Magistrate of the United States.

“The senator from North Carolina has presented to us some peculiar views of the President’s position and duties, and has deduced his future course, not from his message, but from extrinsic circumstances, acts of *omission* and of *commission*, as he calls them, by which the language of the President is to be controlled, and his further course, in this controversy, regulated. I doubt the propriety, as well as the wisdom of all this, either as regards the President, the Senate, or the country. If successful in his declarations or expositions, whichever they may be, I do not see what practical advantage the senator expected to gain. The President would still have to perform his own duties, and we to perform ours, without reference to the embarrassments created by this novel mode of reading the past views and future course of the chief magistrate. In the meantime, what better plan could be devised to excite the public mind, and to rouse suspicions, which would fly upon the wings of the wind to the farthest verge of the country? No such intention ever entered the mind of the honorable senator; but I submit to him, if, in its very nature, this process is not calculated to produce such a result, and whether, in fact, it has not produced it. And yet, it seems to me, that the reasons in support of it are utterly insufficient to justify the conclusions.

“What are these reasons? I will just touch some of them, having no time to pursue the subject.

“There were two acts of *commission*: one was the offer before made of the parallel of 49° as a compromise; and the other was the expression of Mr. Buchanan, in his last letter to the British minister, dated August 30th, 1845, that the President hoped the controversy would be terminated without a collision.

“And what are the acts of *omission*? One is the neglect to recommend defensive measures; and the other is a want of confidence in the chairman of the Committee on Foreign Relations.

“And now for the first. I presume, ere this, the honorable senator is aware that he has entirely misunderstood the views of the President upon this subject. In his message, at the commencement of the session, the President recommended that a force of mounted riflemen should be raised, and, also, an augmentation of the naval means of the country. But, later in the session, in conformity with resolutions which originated here, recommendations and estimates, seen and approved by the President, and his, in fact, agreeably to the constitution of our executive department, were sent, by the Secretaries of War and of the Navy, to the proper committees of the Senate. A bill was reported, by the naval committee, for an additional steam force, and was ably and vigorously advocated by the honorable chairman of that committee. But it was put to sleep, partly, if not principally, I believe, upon the ground that, if you can not immediately equip a navy, therefore you must not build a ship; and if you do not require an army, therefore you must not raise a regiment. And the result may well have been taken as an indication, both by the naval and military committees, that the Senate did not deem an augmentation of the defensive means of the country necessary under the circumstances, and, therefore, prevented all further action on their part as useless; for I consider the proposition of the naval committee, thus put to sleep, one of the least objectionable of all the measures submitted to us under the sanction of the President. I have looked over these estimates, sir, both from the War and Navy Departments, and I consider them proper and judicious, in the existing state of our relations with England; and, I will add, the heads of both of those Departments discharged their responsible duties—for their duties were responsible—in a satisfactory manner.

“As to the mode of receiving this information, it has been sanctioned by the practice of the government for years. Congress and its committees have been in the daily habit of calling upon the heads of the departments for the necessary facts and views, in the discharge of their legislative duties; and, in all cases like the present, the reports are submitted to the President before being sent here, and thus receive his sanction, and they are often changed by his directions. This is well known to all who are acquainted with the routine of our executive department.

“To return now, sir, to this act of omission—this neglect to recommend proper measures of defense—by which the President’s views are to be interpreted, as I understand, in this manner. The President recommends no measures of defense. Therefore he considers the country in no danger. Therefore he intends to yield to the parallel of 49°, which the British government intends to demand; and thus there will be no war. Now, sir, more than two months before this position was taken by the honorable senator, the President had recommended, by his Secretaries, an addition to the army of almost 8,000 men, the organization of 50,000 volunteers, the removal of the limitations respecting naval establishments, that he might be able to direct such an augmentation of the seamen of the navy as circumstances might require, and appropriations for military purposes to the amount of \$9,679,680; and for naval purposes to the amount of \$6,515,000 — making in the whole \$16,195,680, in addition to the recommendations in his message at the commencement of the session, and to the ordinary estimates of the department.

“It is unnecessary to pursue this topic. Whatever may be the just construction of the President’s meaning, which to me is exceedingly clear, it is now obvious that this act of omission becomes an act of commission, and proves that the President is by no means tranquil respecting the condition of the country.

“As to the alledged want of executive confidence in the chairman on the Committee of Foreign Relations, I hardly know how to speak of it becomingly, when urged in this connection. Were the fact so, it would seem very strange to me, and I should think the President very badly advised, to withhold a proper confidence from one of his truest and most efficient friends upon this floor, and one, too, who, from his position at the head of a most important committee, was officially entitled to it.

“No one who had witnessed the energy, the talent, and the promptitude of the honorable chairman, can doubt the service he has rendered this administration, nor the confidence he deserves—a confidence, indeed, demanded more for the sake of the public interest than for his own sake.

“But, sir, I have reason to know that the senator from North Carolina is in error in all this; that this deduction from extrinsic circumstances is but another proof that truth is not always attained when sought by indirect and remote facts. I have reason to know that the chairman of the Committee on Foreign Relations communicates freely with the President, and enjoys his confidence.

“And what proof of estrangement between these high functionaries is furnished by the honorable senator from North Carolina? Why, thus stands the case: The honorable chairman stated that the opinions of the President had undergone no change; but being interrogated upon the subject, he answered that the records, and the records alone, were the sources of his information.

“It seems to me it would better become our position if we all sought the views of the President, so far as we ought to seek them, in the same authentic documents. It would save a world of unprofitable conjecture. Now, sir, what does all this amount to? Why, to this: the President told the senator from Ohio no more, as to his future course, than he told the country and Congress in his message. It would be strange if he had. The avowal of a line of policy, when the proper circumstances are before him, is the duty of a sound and practical statesman. But I should much doubt the wisdom of the Chief Magistrate of a great country, who should sit down to speculate upon future and remote contingencies affecting the public welfare, with a view even to the decision upon his own course, and still less with a view to its annunciation to the world.

“Let me, then, ask the senator if he thinks it is the duty of the chairman of the Committee on Foreign Relations to put gratuitous questions to the President, in order that he may be able to come here and declare what the executive will do in such and such a contingency, which may never happen; or which, if it do happen, may bring with it circumstances that may change the whole aspect of the question? But I forbear, sir. I consider it unnecessary to pursue this question further.

"A considerable portion of the argument of the senator from North Carolina was devoted to prove that the message of the President did not justify these anticipations of war, which it appears to myself and to other senators to do. Not that he called in question the natural tendency of the measures recommended by the President, nor the fair construction of his language; but he controlled these by the extrinsic facts to which I have adverted. I shall say nothing more upon this subject, but I shall fortify my own opinion by the views of other members of this body, who are entitled to more weight than I am.

"The honorable senator from South Carolina said 'that the recommendation in the message is founded upon the conviction that there is no hope of compromise of the difficulties growing out of the President's message, is too clear to admit of any doubt.'

"After some further remarks, showing the opinions entertained of the dangers of war, he adds: 'Entertaining these opinions, we were compelled to oppose notice, because it was necessary to prevent an appeal to arms, and insure the peaceful settlement of the question.'

"And the senator from Maryland said: 'We have all felt, Mr. President, that at one time at least—I trust that time is past—the nation was in imminent danger. From the moment that the President of the United States deemed it right and becoming, in the very outset of his official career, to announce to the world that the title to the north-west territory was clear and indisputable, down to his message in December last, I could not see how war was to be averted.'

"And the honorable senator from Louisiana, in his speech yesterday, advanced the same opinion upon this subject.

"And the senator from Georgia also expressed the conviction that 'this resolution, based as it is on the President's message, is a distinct intimation to Great Britain that this matter must be settled, and in a manner acceptable to us, or that at the expiration of that time we will take forcible possession of the whole country,' which of course means war.

"And he adds that 'the senator from North Carolina tells us, that the President is waiting at the open door of his cabinet, ready to adjust this controversy, and to preserve the peace of the country.' 'Sir,' he adds, 'even with the aid of the senator's optics, I can not see him there.' And he adds also, if these things were

so, referring to the views of the senator from North Carolina respecting the President's message, 'I should be sorry to do so.' And I fully concur with him in the sentiment.

"Now, sir, I shall not thrust myself into this dispute—

"Non nostrum inter nos tantas componere lites."

"During the progress of this discussion, the blessings of peace and the horrors of war have been frequently presented to us with the force of truth, and, sometimes, with the fervency of an excited imagination. I have listened attentively to all this, though much of it I remember to have heard thirty-five years ago. But I beg honorable senators to recollect that, upon this side of the chamber, we have interests, and families, and homes, and a country, as well as they have; and that we are as little disposed to bring war upon our native land unnecessarily as they can be. That some of us know by experience, all of us by reading and reflection, the calamities, moral and physical, that war brings in its train. And we appreciate the blessings of peace with a conviction as deep and as steadfast; and no one desires its continuance more earnestly than I do. But all this leaves untouched the only real subject of inquiry. That is not whether peace is a blessing and war a curse, but whether peace can be preserved and war avoided, consistently with the honor and interest of the country. That question may come up for solution; and, if it does, it must be met by each one of us, with a full sense of its abiding importance, and of his own responsibility. I suppose there is not a gentleman in this body who will not say that cases may occur, even in this stage of the world, which may drive this country to the extreme remedy of war, rather than she should submit to arrogant and unreasonable demands, or to direct attacks upon our rights and independence—like impressment, or the search of our ships, or various other acts, by which power is procured and maintained over the timid and the weak. The true practical question for a nation is not the cost of war, whether measured by dollars, or by dangers, or by disasters, but whether war can be honorably avoided; and that question each person having the power of determination must determine for himself, when the case is presented. Good men may indulge in day-dreams upon the subject, but he who looks upon the world as it has been, as it is, and as it is likely to be, must see that the moral constitution of man has undergone little change, and that

interests and passions operate not less upon communities than they did when the law of public might was the law of public right, more openly avowed than now. Certainly a healthful public opinion exerts a stronger influence over the world than at any former period of its history. Governments are more or less restrained by it, and all feel the effects of it. Mistresses, and favorites, and minions no longer drive nations to war; nor are mere questions of etiquette among the avowed causes of hostilities. It is not probable that a people will ever be again overcome because a statesman may consult his vanity rather than his taste in the choice of his pictures, nor that the state of Europe will be changed because a lady's silk gown be spoiled by a cup of tea. Humanity has gained something; let us hope it will gain more. Questions of war are passing from cabinets to the people. If they are discussed in secret, they are also discussed before the world, for there is not a government in Christendom which would dare to rush into a war unless that measure were sanctioned by the state of public feeling. Still, let us not deceive ourselves. Let us not yet convert our swords into ploughshares, nor our spears into pruning hooks, nor neglect the maritime and military defenses of the country, lulled by the syren song of peace! peace! when there may be no peace. I am afraid we have not grown so much wiser and better than our fathers, as many good people suppose. I do not discern upon the horizon of the future the first dawn of the millennium. The eagle and the lion will not always lie down in peace together. Nations are yet subject to human passions, and are too often their victims. The government which should say, I will not defend myself by force, would soon have nothing to defend. An honorable senator quoted a remark I made some time since—I will not say with a sneer, but with an appearance of disapprobation—that it was better to defend the first inch of national territory than the last. Does the honorable senator believe in the converse of this proposition?—that it is better to defend the last inch of territory than the first? If he does, I sincerely trust, as well for his own sake as for the sake of his country, that he may never be driven to correct his error in the school of experience. What, however, the senator from New Jersey did not do, the senator from North Carolina has done. He sneers at *territorial* as well as *patriotic* inches; he means a 'line in substance, *not every inch.*' 'I do not measure my own or other people's patriotism by the

inch. 'How one's American blood boils at the thought of ceding *inches!*' He does not tell us by what standard he would measure the soil of the Republic, or the patriotism of her people. It is evident that he does not believe that wise old saying, 'give a man an *inch* and he will take an *ell.*' Give a nation a small strip and it will demand a larger one. To attempt to purchase safety by concession is to build a bridge of gold, not for a retreating, but for an advancing enemy. Nations are like the daughters of the horse-leech; they cry, 'give! give!' It is idle, sir, to array ourselves against the powerful instincts of human nature; and he who is dead to their influence will find as little sympathy in this age of the world as he would have found had he lived in the ages that are passed. If we suffer ourselves to be trodden upon, to be degraded, to be despoiled of our good name and of our rights, under the pretext that war is unworthy of us or our time, we shall find ourselves in the decrepitude of age before we have passed the period of manhood.

"A great deal has been said in England, and not a little in the United States, respecting our grasping propensity, in demanding the whole of Oregon; and we have been solemnly admonished of the awful responsibility of involving two great nations in war. The subject in dispute is said not to be worth the perils a conflict would bring with it; and the honorable senator from Maine has exhibited to us, as in a balance, the disasters of war, and the value of the matter in controversy, and has made our territorial claims to kick the beam. Permit me to turn to the other side of this picture. I acknowledge the moral obligation of governments to avoid war, where higher obligations do not drive them to it. I will not call England the Pharisee of nations, but I will say that she does not hide the light of her own good deeds under a bushel. The ocean scarcely beats upon a shore within sight of which her flag is not seen, and within sound of which her drum is not heard. And yet her moderation is proclaimed, and often with the sound of her cannon, from one end of the civilized world to the other. *She is not like other nations*, and, least of all, like *that great grasping mobocracy of the West*. 'I thank God,' said the Pharisee of old, 'that I am not as other men are.' Now, the chapter of accidents has turned up favorably for England, if she will accept the opportunity afforded her. No man in this country wants war—*ultraists* no more than *compromisists*, if I may use terms

justified by the occasion. The extreme partisan of decisive measures asks nothing but the whole of Oregon. Give him that, and he will become as meek as the latest professor of humility, who writes homilies upon national moderation for the *London Times*. Now, sir, let England abandon her pretensions, and all these disasters, the consequences of war, which are foretold—and I do not doubt many of them justly foretold—will give way, and exist only in the memory of this debate. There is no condition of things, foreseen by any man, public or private, in this country, which can give to England a better line than 49°. The country north of that line is, therefore, all she could gain by a contest, which is to involve the fearful consequences predicted to both countries ; which, during its progress, it is said, will bring nation after nation within the sphere of its operation, and which is finally to commit to the decision of the sword the great question of free government through the world, by placing in its path the antagonistic principle, that the many should be governed by the few. What, then, would England surrender to preserve the peace of the world, and thus give the first practical proof of moderation to be found in the long annals of her history? I agree fully with the honorable senator from Missouri, [Mr. Atchison,] that if England would acknowledge our rights, and withdraw her opposition to them, and should then ask a better access to the ocean for her interior territories, I would grant it without hesitation, as a favor, upon the most reasonable consideration. If this should be done, she would have left about three hundred miles of coast to fight for ; and I will return the question of the gentleman from Maine, and ask if this strip of land is worth the price of such a contest? England is already gorged with possessions, both continental and insular, overrun, almost overloaded with subjects of all castes, colors and condition. At this very moment, she is waging two wars of aggrandizement—one for commercial projects upon the La Plata, and the other for a new empire upon the Indus. The latest *Morning Chronicle* I have seen, one of last month—and that paper is the Whig organ of England—says, and the proposition is enunciated with characteristic coolness, and with as much apparent candor as if it were extracted from the latest treatise upon public morals, ‘*we can never govern India so well as we might, until we possess the whole of it.*’ A congenial sentiment is quite as much at home in every English breast, that *America*

would be much better governed than it is, if England possessed the whole of it.

“Let the British government now say, two wars at the same time are enough for the purposes of aggrandizement. We will not encounter a third—we will give up this doubtful and disputed claim, and hold on in America to what we have got—we will do so much for peace. Let her do this, and I, for one, will say, *well done*. You begin to practice, though upon a small scale, as you preach. And why not do so? This territory is separated by an ocean and a continent from England. She can not long hold it, if she should gain it. I mean long, compared with the life of nations; whereas it joins us, intervenes between us and our communication with the Pacific, will form an integral—I do not doubt a perpetual—portion of our confederacy, will be, in time, a necessary outlet for our population, and presents all those elements of contiguity and of position which indicate and invite political unions.

“But it has been said and re-said, in the Senate and out of it, that two great nations can not go to war. And why can not two great nations go to war against one another, as well as two great nations combined against a small one? So far as honor contemns a disparity of force, the former would be much more honorable than the latter.

“What is going on in the La Plata, where France and England have sent their united fleets and armies against the Argentine republic, and where the echoes of their cannon are ascending the Parana and its vast tributaries, till they are lost in the gorges of the Andes?

“There can be no war in this enlightened age of the world? What, then, is passing in Africa, where one hundred thousand Christian bayonets have driven the Arab from his home, and are pursuing him into the desert, the refuge of the turban since the days of the patriarchs?

“What is passing upon the shores of the Euxine, where the Cossack has left his native plains, and, at the call of Russia, is ascending the ridges of Caucasus to subdue its indigenous races, and to substitute the *mild* rule of the Muscovite for their own patriarchal form of government—dependence upon the Czar for dependence upon themselves?

“And what is passing in the Punjaub, where the last advices left

two mighty armies almost within sight of each other, after having fought a great battle of Hindoo *ambition* against English *moderation*?

“And how long since an enlightened government, *par excellence*, broke the barrier of Chinese power, which has so long insulated a vast empire, and scattered dismay and death along its coasts, because its rulers had interdicted the sale of opium, a drug equally destructive to the moral faculties and to the physical powers of man? The Tartar passed the great wall, and planted his horse tails upon the towers of Peking. He then became a Chinese, and the empire went on as before. But the Englishman, with his cannon balls and his opium, has introduced an innovation into the habits and condition of one third part of the human race, which may fatally affect its future prosperity.

“And how long is it since an English army passed the gates of Asia, and, ascending the table-land of that continent, if it had not been annihilated by a series of disasters, which have few parallels in modern warfare, might have reversed the march of Alexander, and reached the Mediterranean by Nineveh, and Babylon, and Jerusalem?

“And only five short years have elapsed since Christian cannon were heard in the mountains of Lebanon, and their bombs exploded among the broken monuments of Sidon.

“In this brief view and review of pending and recent wars, I do not advert to the hostilities going on among some of the States of Spanish origin upon this continent, in Hayti, in Southern Africa, upon the frontiers of the colony at the Cape of Good Hope, in Madagascar, and in various islands of the Eastern ocean, because these are small wars, and some of them are waged by civilized nations against barbarous tribes, and hardly worthy of attention in these days of philanthropy—of that philanthropy which neglects objects of misery at home, whether in England or Ireland, the relief of which would be silent and unobtrusive, and seeks them everywhere else through the world, that they may be talked of and exhibited as proofs of benevolence—which, as an eminent French writer says, overlooks the wants of our neighbor, but goes to the north pole upon a crusade of charity! which has an innate horror at the very idea of black slavery, but looks calmly and philosophically, and with no bowels of compassion, nor compunctions of remorse upon white slavery, and brown slavery, amounting

to millions upon millions in Russia, and in the English possessions in India and elsewhere, because, forsooth, this servitude is not in the United States, and neither cotton nor sugar will be affected by it.

“These, and the Belgian war, and the Spanish war, and the Greek war, are events of but yesterday, yet sounding in our ears, and dwelling upon our tongues. And I might go on with these proofs and illustrations of the pugnacious disposition of the world, till your patience and mine were exhausted.

“Why, sir, if England had a temple of Janus, as Rome had of old, it would be as seldom shut as was that of her imperial prototype. The first fifteen years of this very century were nearly all passed in the greatest war known perhaps in the annals of mankind; and there are senators in this body, and I among the number, who were born at the close of one war with England, and have lived through another, and who are perhaps destined to witness a third. And yet zealous but ill-judging men would try to induce us to cast by our armor, and lay open our country, because, forsooth, the age is too enlightened to tolerate war. I am afraid we are not as good as *these peace men, at all sacrifices, persuade themselves and attempt to persuade others.*

“But, sir, to advert to another topic. I perceive—and I am happy to find it so—that there has been a nearer union of sentiment on one branch of this subject between the honorable senator from Maryland and myself than I had supposed. All I regret is, that he had not avowed his opinion earlier in the session; for I should have felt myself greatly encouraged in my course by the identity of our views respecting the danger of the country. The honorable gentleman says: ‘We all have felt at one time, at least—I trust that that time has passed—the nation was in imminent danger of war.’ ‘From the moment the President of the United States deemed it right and becoming, in the very outset of his official career, to announce to the world that the title of the United States to the northwest territory was clear and indisputable, down to the period of his message in December, when he reiterated the assertion, I could not see how it was possible war was to be averted.’ ‘I could not but listen with dismay and alarm at what fell from the distinguished senator from Michigan at an early period of this session.’

“Now, sir, I have not the slightest wish to misinterpret the

sentiments of the senator from Maryland ; but I frankly confess I do not understand how, with the opinion he expresses, that war was unavoidable, any remarks of mine could have been thus characterized. I am well aware, indeed, that they came like a bomb-shell into a powder magazine. But why, I have yet to learn. Like the honorable senator from Maryland, the moment I read the President's message, I saw to my own conviction, at least, that our relations with England were in a critical situation ; and that a regard to our duty, as representatives and sentinels of the people, required us to take measures of precaution, proportioned to the danger, whatever that might be. The President, with a due regard to his own responsibility, as well as to the just expectations of his countrymen, spread before us, not only his own views and recommendations, but the whole diplomatic correspondence, which had passed between the two governments, on the subject of Oregon. Well, we all saw there was a dead halt in the march of the negotiations. The President told us, in effect, they were closed. I am not, sir, very tenacious as to the word. I do not attach that importance, in fact, to the condition itself, which the senator from North Carolina appears to do. I am willing to call it closed, or terminated, or suspended, or in the executive phrase, 'dropped.' All I wish to show is, that nothing was going on. Why the honorable senator from North Carolina dwelt with such earnestness upon this point, I do not comprehend, unless, indeed, he supposed, that if the negotiations were closed, they were closed forever, beyond the reach of the parties. If such were his views, I do not partake them. I trust no question of mere etiquette will keep the parties separated, if other circumstances should indicate they might be brought together. Such a course of action, or rather of inaction, would deserve the reprobation of the whole world. But however this may be, the President said, *that all attempts at compromise had failed*. These are his words. He invited us to give the notice for the termination of the joint occupancy of the country. He said it was all ours, and *that our title to it was maintained by irrefragable facts and arguments* ; and he said, also, that at the end of the year, the temporary measures, which a regard to treaty stipulations allowed us only to adopt at this time, must be abandoned, and our jurisdiction over the whole country established and maintained. Such were, in effect, the views submitted to us by the Chief Magistrate

of the nation, in the discharge of a solemn duty committed to him by the Constitution.

“One would think there were elements enough of trouble to engage the attention of the national Legislature, and to command its immediate action. If the ship of State were to be steered by the chart thus prepared by the pilot, either Great Britain must turn from her course, or we must meet her. There was no other alternative. She must gainsay much she had said. She must relinquish much she had claimed. She must concede much she had denied. She must do what a proud nation does with reluctance—retrace her steps in the face of the world, and lower herself in her own estimation. I did not say she would not do all this. I do not say so now. But looking to her history, to her position, and to the motives of human conduct—as these operate upon communities, as well as upon individuals—I had great difficulty in believing that she would do it, and I said so. And there was yet another element of uncertainty, combined with all these causes of embarrassment, and that was the doubt, if she came to the parallel of 49°, whether she would find our government ready to come back to the same line. I know nothing of the intentions of either government upon that subject. I can not speak authoritatively, and therefore I do not undertake to speak at all. I know as little as any one in this room, be he actor or spectator, in the scene that is passing, whether the offer would be accepted, if repeated, or whether it would be repeated, if demanded. All I know is, that as the basis of an amicable adjustment, that time, which, while it mends some things mars others, is every day increasing the difficulty of its establishment; and that, as a means of terminating this controversy, I believe the question is rapidly passing from the control of the government to the control of public opinion.

“Under these circumstances, I introduced resolutions of inquiry into the necessity of adopting measures for the defence of the country, and, on the 15th of December, I advocated their adoption and explained my views, of which I have now troubled the Senate with a brief summary, and to which the honorable senator says he listened with ‘dismay and alarm.’ ‘Dismay and alarm’ at propositions for defense, when the gentleman himself says that ‘the nation was in imminent danger’! when ‘he could not see how it was possible war was to be avoided’! For it will be

observed, there were subsequent circumstances, subsequent by some weeks, which removed this impression of the danger of war made by the President's inaugural address, and by his message at the commencement of the session. They were the speeches of the senators from Missouri and New York, and especially the speech recently delivered by the senator from North Carolina. For myself, I did not hear one word fall from the senators from Missouri and New York, so far as I recollect, in which I did not fully concur. The former, besides the authority which long experience, high talents, and great services to his country and his party, give to all he says, here and elsewhere, understands this whole subject better than any man in the nation. And we all have borne our tribute of gratification to the able and statesmanlike exposition of the matter given by the senator from New York. I did not understand either of these senators, as alluding to the ulterior course of the President, or seeking to express any opinion respecting the result of this controversy. And I will ask the senator from Maryland whether, upon a grave question like this, it is not safer and wiser to deduce the views of the President from two public and solemn documents, spreading before his country his opinions and foreshadowing his course, rather than from the construction given them by others, and resting upon what is called acts of *omission* and of *commission*.

"It is not a little curious, but it is nevertheless true, that during the discussions brought out by my resolutions, gentlemen on the other side of the Senate took the opportunity of expressing their entire concurrence in the views and course of the President, and avowed their gratification at the executive statements and recommendations, though a condensed narrative of the negotiations accompanied the message and formed the groundwork of the suggestions submitted to us, and though the correspondence was spread out in full before us. What is now thought upon this subject on the other side of the chamber, it needs not that I should tell. The views there expressed are as unequivocal as they are condemnatory. 'We all have felt,' says the senator from Maryland 'that war was imminent,' and, still more emphatically, 'I could not see how it was possible war was to be averted.'

"But I may be permitted to ask the honorable senator, if war, in his opinion, was thus imminent, and not to be averted, how happened it that my remarks 'filled him with alarm and dismay?'

I thought there was danger of war, and so it appears did he. And his estimate of the danger was higher than mine; for I thought that among other means of avoiding it, instant and adequate preparations might exhibit such powers of offense and defense, and such a spirit in the country, that England might pause before she would drive us to the last alternative of injured nations. And therefore was I so anxious for an immediate and decisive manifestation upon this subject. But we have all suffered these resolutions to sleep, as I remarked the other day, if not the sleep of death, a slumber almost as quiet; and though they were a little startled by the President's message, still, before their full resuscitation into life, it may be necessary that that same solemn warning should penetrate these marble halls, which has said to other improvident nations, awake! the enemy is upon you. If, then, both the senator and myself were apprehensive of war; and he thought it could not be averted, the 'dismay and alarm' which my remarks occasioned, did not result from any difference of views upon that subject. And, as these remarks had but two objects—one to show the danger we were in, and the other to guard against it—it would seem to be the latter at which the honorable senator took exception; and it is certainly a cause of mortification, that I managed my subject so awkwardly as to convert my propositions for defense into a matter for 'alarm and dismay.'

"Since then, however, sir, another note of warning has reached us from the eastern hemisphere, and we not only know that England is arming, but the sovereign herself has announced the fact in the most imposing manner, and has called upon Parliament to extend these armaments still further. And we now exhibit to the world the extraordinary spectacle of a nation in a state of perfect tranquillity—I might rather say of apathy, almost—without an army, without a militia—for our militia is unfortunately nearly disorganized—with unfinished and unfurnished defenses, with an inadequate supply of the *materiel* of war, with a navy calculated only for a state of peace, with three thousand six hundred miles of sea-coast on the Atlantic, and one thousand three hundred miles on the Pacific, and four thousand one hundred miles of interior frontier from Eastport to the line where 54° 40' strikes the ocean, and two thousand four hundred miles of interior frontier from the south-western corner of Oregon to the Rio del Norte—

making a boundary of eleven thousand four hundred miles, agreeably to the calculation I have procured from the librarian, and penetrable in all directions, while, at the same time, we are involved in a great controversy with the most formidable nation—formidable in the means of injuring us—upon the face of the globe, which is buckling on its armor, and telling the world, through its sovereign, that it will maintain its interests and its honor—which, being translated into plain American, means that it will hold on to its claims.”

As an ultimate reason, the defenders of the 49th parallel presented, in hideous colors, the aspect of war, with a lengthy catalogue of calamities. They seemed to appreciate patriotism at a price. They appeared to gauge national honor as a commodity—to ascend or descend on the barometer of traffic, as the caprice of the commercial dealer might dictate. The mail bags were filled, to overflowing, with their speeches, and disseminated profusely all over the Union. Already had they taken an appeal to the sovereigns of the land, with the expectation of forestalling public opinion. As they would have it understood, this strip of land — $6^{\circ} 40'$ — was an insignificant item in the national account book, when contrasted with the enormous expenditure of treasure that might be occasioned, if the pretensions of the United States thereto were insisted upon. Not content with this view of the subject, they would occasionally exchange the desk of the commercial accountant for the easel of the artist, and paint in the glowing colors of the most vivid imaginings, the hardships of the camp and the horrors of the battle-field.

General Cass appreciated, most sensibly, the attitude of his government at this interesting crisis of its history. Yet he saw no reason for dismay. If the American title reached to the upper parallel of latitude—as he verily believed it did—he would leave the consequences of insisting upon our clearly established rights, (whatever they might be,) to that Almighty arm which had hitherto supported the standard of the republic in every peril. If there was but one lone inhabitant upon the disputed territory, he would mantle him with the stars and stripes, at whatever cost and hazard.

But, whether this controversy with Great Britain terminated in war or no, he was in favor of being prepared for this last extremity

with the nations of the world — single-handed or combined.
Millions for defense—not one cent for tribute.

It was these considerations which induced him to engage, still further, the attention of the Senate.

“Mr. President, a great deal has been said, both here and elsewhere, respecting the probability of war — whether it will result from the present condition of the two nations. Some gentlemen think this is a legitimate subject of inquiry, arising out of the principal question — that of the notice — directly before us; while others think we should decide the question on its own merits, leaving out of view the consequences to which it may lead. Certainly, a question of territorial right should be judged and determined nakedly, and unembarrassed by other considerations. We owe that to our own honor. Still, it becomes prudent men, especially prudent statesmen, when taking an important step, to look to its results. Neither national nor individual acts are insulated — one measure leads to another. It seems to me it is not only our right, but our duty, as the representatives of the States, to inquire where this measure will conduct us. If to a stable peace, so much the better. If to war, let us contemplate its prospects and its dangers, and let us prepare for its consequences. But, at any rate, let us commune together, and not blindly rush into the future, rather driven by our instincts, than guided by our reason.

“Our first object is to preserve our rights; our next to do that peacefully. While we all hope that war will be averted, that hope will never be strengthened by underrating the capacity of either nation to defend itself, or to injure its opponent. For my own part, I see no want of patriotism in stating plainly and frankly the means of annoyance that England possesses; and I think the course of my honorable friend from Delaware upon that subject was equally patriotic and judicious. There is said to be a bird in the desert, which hides its head in the sand, and then thinks it is safe from danger, because it can not see it. Let us not imitate this folly. Let us look directly at what we must encounter, if we are forced to war, and then let us behave like reasonable men, and make reasonable preparation to meet it.

“I see it said in a late London *Herald*, that we can not carry on war, because we can not procure the means to meet the necessary expenditures. The same assertion has been made in some of our

own journals, and even by higher authority. The senator from South Carolina has referred in this connexion to a venerable man, for whom, and for whose patriotic services, I have great and sincere respect, who has awakened from a political slumber of almost a quarter of a century, and presents himself to his countrymen with elaborate statistical tables, showing the pecuniary cost of war, and the burdens it brings with it. All this is unnecessary. It is taught in the very horn-book of national expenditures. Ours is not a question of the cost of war, but of its necessity. That same eminent man, the survivor of the cabinets of Mr. Jefferson and of Mr. Madison, was understood, in 1812, to entertain a similar repugnance against committing the destinies of his country to war, which he now exhibits, and to foreshadow similar difficulties. I do not know if the fact be so. I can repeat only the rumors of that day. It was then asserted and believed, that some report or document from the Secretary of the Treasury was intended to dampen the national ardor, by an imposing array of the contributions it would be necessary to levy upon the country, in the event of war, and thus to prevent its occurrence. But the effort, if made, was useless then, and it will be useless now. The war went on, because it could not be avoided without a sacrifice of the national rights and honor, and it came to a glorious conclusion. It pushed us forward in all the elements of advancement. And as we did then so shall we do now. If a war is forced upon us, we shall meet it with its dangers and its responsibilities. No array of figures will stop the people in their patriotic course. You might as well attempt to stop the surges of the ocean beating upon the sea-coast by marks in the sand, which the first wave sweeps away, and then passes on.

“As to this notion, that a war can not be maintained without cash enough in the possession of the government to carry it on, or the means of procuring it at any time by loans, the two successful experiments we have made have demonstrated its fallacy. I do not stop to point out the peculiarities in our condition which prevent our national exertions from being paralyzed by deficient resources. They are to be found in the spirit and patriotism of our people; in the common interest they feel in a government, established by them, and responsible to them; in the system of private credit, which almost makes part of our institutions, and which often separates by wide intervals the purchase and the

payment; in the abundance and cheapness of the necessities of life, and in the military ardor which stimulates our young men and sends them to the standard of their country. No modern Cræsus, be he a king of financiers, or a financier of kings, holds in his hands the action of this government. But even in Europe, a decisive experiment has shown that the exertions of a nation are not to be crippled by a crippled treasury. One of the great errors of Mr. Pitt arose from his belief, that as the French resources and credit were deranged and almost destroyed, therefore France was incapable of the necessary efforts to defend herself against the formidable coalition, at the head of which England placed herself, and to maintain which she poured out her blood as freely as her treasure. But the result proved the folly and the fallacy of all this, notwithstanding the depreciation of the French paper, and the difficulties consequent upon it. What was the progress and the result of this effort to prevent a people from changing and reorganizing their government, is written upon the pages of a quarter of a century of war, and still more plainly upon the oppressed taxation of England, which now weighs upon her present condition like an incubus, and overshadows her future with dark clouds of adversity.

“I now propose to submit some observations upon the remarks presented to the Senate a few days since, by the distinguished senator from South Carolina. The originality of his views, and the force of the illustrations with which they were supported, give them great consideration; and as it seems to me, that in some important particulars their tendency is erroneous, I desire to communicate the impression they made upon me.

“While I shall do this, with the freedom which a sincere search after truth justifies, I shall do it with the respect that the eminent services and high character of the senator justify, and that an uninterrupted friendship of thirty years, which has been to me a source of great gratification, naturally inspires.

“The senator states, that when this proposition for notice to terminate the joint occupancy of Oregon was first submitted for consideration, he was opposed to it: but that now he is in favor of it in some modified form; the form, I believe, it assumes in the resolution of the senator from Georgia.

“That his motives of action were the same in both cases—a desire to preserve the peace of the two countries; that in the

former part of the session, he thought the notice would lead to war, and therefore he opposed it; that he thinks now it would lead to peace, and therefore he favors it.

“Certainly, Mr. President, this is consistent ground for any man to occupy. A change of action on questions of expediency, where circumstances have changed, is a dictate of true wisdom. He who boasts he has never changed, boasts, in fact, that the lessons of experience have been lost upon him; and that he grows older without growing wiser. But before a change takes place in our approbation or condemnation of a great question of national policy, the reasons which dictate it should be carefully considered, and clearly established.

“Has this been done by the senator from South Carolina? I think not. He assumes the very fact upon which his whole argument rests. He assumes that a great change has taken place, both in this country and in England, in public opinion upon this subject, which will necessarily lead to a compromise, and thus to an amicable adjustment of this serious and long-pending controversy.

“Mr. President, I can not partake this confidence. The signs of the times are anything but auspicious to me. It will be perceived, that the annunciation thus certainly made of the peaceful termination of this matter, rests upon the change in public opinion and upon the conviction that both governments are ready to compromise, and both prepared to come to the same line; so much so, indeed, that the senator adds, ‘he trusts that in concluding it there will be no unnecessary delay.’

“In all this, sir, I am under the impression there is a great misapprehension. As to the *universality* of the proposition *that all are agreed as to this change*, I know there is an error. For myself, my conviction is as strong as human conviction can be, not only that the change thus indicated has not taken place, but that a great change has been going on in a contrary direction. I believe that the opposition to a compromise upon the parallel of 49° has increased, is increasing, and will go on to increase; and that both here and in England, public opinion is less and less confident in an amicable settlement of this dispute. I shall not pursue this matter into its details. I will merely remark, that the evidences of public opinion which reach us, whether borne here by letters, by newspapers, by the declarations of conventions, or by the resolutions of legislative bodies, is decisive and indisputable.

And, in proof of this, look at the passage of the resolutions in the House of Representatives by a majority almost unknown in a free country upon a great question like this, and involving such momentous consequences; and this, too, when the senator says, he thought their passage would lead to war. And what say the advices from England? They speak a language as positive as it is minatory. What says the *Standard*, of March 3d, the great Tory organ? I will tell you: 'But will the American Congress confirm the insolent and unwarrantable tone adopted by this *braggadocio*?' &c. And the person thus denominated by these models of all that is decorous, so often recommended to us for our study, is the President of this great Republic. 'And dreadful as is the alternative, it will be with the utmost difficulty that any British minister can escape from it with honor.' The last London *Times* that I have seen says: 'The joint navigation of the Columbia, the right of harbors on the sea-coast, and the right of traffic for the Hudson Bay Company on one bank of the river, are, we think, demands neither unjust nor extravagant.' The London *Gazette*, of March 3d, says: '*The news from the United States justifies the fears we have repeatedly expressed of the determined spirit of hostility which pervades a powerful party in the United States.*' The London *Sun*, a neutral paper, says: 'The news from this country has produced a strong feeling of indignation among our commercial circles; and those who have all along opposed the expediency of war, on account of mercantile connexions, now openly claim a vindication of the honor of the country at the hands of the executive.' 'The feeling everywhere is, that England, having shown as much forbearance as is compatible with her station in the scale of nations, is now called upon to treat the proceedings of the American legislators with the contempt they deserve.' The Liverpool *Courier*, of March 4th, says: 'The consequences to which it may lead (the refusal to arbitrate) may be most calamitous. But the Americans will only have themselves to blame if war ensues; for England has done all in her power to bring matters to a satisfactory and peaceful issue.' Such are the evidences of public opinion in England, which the last packet brought us; and of the favorable change there, which renders a compromise certain, and a question only of time.

"The honorable senator has referred, in this connexion, to the declaration of Sir Robert Peel, made sometime since in the

British House of Commons, that he regretted their minister had not transmitted to his government the proposition of a compromise upon the parallel of 49° ; that if not satisfactory, it might have been made the basis of a modified offer. I am not inclined to draw as favorable a conclusion, however, as the honorable senator, from this incidental remark, made, not to us, but in the course of a parliamentary discussion. In fact, it is so cautiously expressed, as to lead to no useful deduction respecting his real views. It is a mere barren remark. Had the premier intended it should produce any practical consequences, he would have communicated to our government the views of the British cabinet, and would have accepted the offer, or returned it with the proposed modification. But we hear nothing of this disapprobation — no, not disapprobation, but of soft regret at the hasty decision of the British minister here — till six months after it took place, and then we learn it in the public debates, and that is the last of it. It is to me a curious chapter in the history of British diplomacy, that a minister would venture to take the grave responsibility of rejecting such a proposition, without referring it to his government, and he is not even censured for it. If he had been recalled, or a successor sent out, with instructions to accept the propositions made by our government for a compromise, we should then have had a proof of sincerity better than a barren declaration, and which might have led to a better state of feeling.

“The senator from South Carolina has entered at some length into a defense of his views respecting the acquisition of Oregon, by what is called the process of masterly inactivity. And if he has not made converts to his opinion, he has gained many admirers of his talents by his masterly vindication of it.

“Certainly, sir, it is often the part of true wisdom in this world to stand still — to wait for time and circumstances. There is a great deal of wisdom in old proverbs, and one of them says, *‘Let well enough alone.’* Time has wrought many wonders for our country, and is destined to work many more. The practical difficulty is, to determine when inaction should cease and action commence, and how the operations of time can be best aided by enterprise and industry. The honorable senator says, that circumstances have got ahead of his system, and that he adverts to the subject, not to apply it, but to defend it. It seems to me, sir, it never could have produced the results the senator anticipated, and produced them peaceably.

“Here was an open question, which, for almost forty years, had occupied the attention of the two countries, which had been kept at arm’s length by an improvident arrangement, instead of being grappled with and adjusted, as it could have been, and should have been, long ago, and which had at length increased to a fearful magnitude; and, what is still more, had begun to enlist passions, and feelings, and interests, that threatened to take the controversy from the pen, and to commit it to the sword. The claims of two great countries to a distant territory were unsettled, and in a condition unprecedented in the history of national intercourse—each with a right to occupy the whole of the territory, but each liable to have this right defeated by the previous action of the other party—each holding a remote possession, beginning to fill up by emigration with their respective citizens and subjects, hardy, enterprising, and somewhat pugnacious, intermingled upon the same soil, seizing it as they could, and holding it as they might, without any of those improvements which require for their creation and support the joint and legal action of a community, and wholly irresponsible for their acts towards one another, except through the medium of tribunals belonging to the party claiming allegiance over the aggressor, and possessing no sympathy with the complainant. The end of all this may be foreseen without the gift of second sight. Collisions must be inevitable. The only wonder is, they have not already occurred. And the first gun that is fired upon the Columbia will send its echoes to the Potomac and the Thames. And think you that the matter will be coolly examined, dispassionately discussed, and amicably arranged? No, sir; each nation will believe its own story, and both will be ready to arm, and assert its honor and defend its citizens. All history is full of these incidents; and the peace of two great nations is now held by the slightest tenure, dependent upon passions and interests to be called into fierce action upon the shores that look out upon China and Japan. We are told that Time is the great physician, who might have cured this disordered state of our political affairs. I am a firm believer in the silent and ceaseless operations of that mighty agent. But this case was beyond its power. If, indeed, Time would stand till for one of the parties, and move only for the other—stand still for England, and move on for us—our state of progress would soon pour through the passes of the Rocky Mountains a host of emigrants who would

spread over all the hills and valleys from the summit of that great barrier to that other barrier, the ocean itself, which says to the advancing settlements, Come no farther. But neither Time nor England would stand still. Her government is sagacious, alive to her interests, and ready to maintain them. She knows the value of the country as well as we do, and appreciates it perhaps higher. No one can read the speeches in the House of Commons on the 4th of April last, without being sensible that the subject, in all its extent, has occupied the attention of the British government, and that the country itself will occupy its fostering care. Think you that that government would have continued to see band after band of our citizens leaving our frontier settlements, lost to human observation almost, for months, while passing through the desert with its toils, its privations, and its dangers, and finally emerging into the land of promise, to seize it, and to hold it, and would have looked calmly on, receding as we advanced, retreating to the hill as we descended into the valley, and finally yielding us quiet possession of this long-disputed territory? He who does not believe all this, must believe that Time would not have peacefully adjusted this controversy for us. But, beside, this process of adjustment does not assume that our right to exclude the British from the country will be increased by settlement. It may add strength to our power, but none to our title. It does not presuppose that war is to be averted, but only postponed. The rights of England, at the end of any given period, will be precisely what they now are; and, unless she should voluntarily relinquish them, a conflict would be inevitable. It seems to me very clear, that if she would ever be disposed to abandon the country, she would do it now, when the disparity of force there is not such as to cast the reproach of timidity upon her counsels, and when the number of her subjects is not such as to render difficult a satisfactory arrangement for them.

“Mr. President, the senator from South Carolina has held up to our view a somber picture of the calamities which a war with England would bring upon the United States—too somber, sir, if I am not utterly ignorant of the history and condition of my country, and of the energy and spirit of my countrymen. I shall not examine it feature by feature; but there are certain portions I desire to present to the Senate.

“What probable circumstances could require this country to keep up a military and naval force of two hundred thousand men for ten years—the land portion of it divided into seven great armies—I confess my utter inability to conjecture. Why the honorable senator fixes upon that period for the duration of the war I know not. It is so wholly conjectural as to elude the application of any principle to it. Long before its expiration, if we are not utterly unworthy of our name and our birthright, we should sweep the British power from the continent of North America, and the remainder of the time must be occupied by predatory incursions upon the coast and by hostilities upon the ocean. The dangers or disasters which this state of things brings with it, would require but a small portion of the force considered necessary by the senator. As to Mexico, I trust we shall bear much from her. We owe that to our own strength and to her weakness; to our own position, not less than to the situation of her government, and to the *quasi* civil war which seems to be the curse of her condition. But should we be driven to put forth our strength, peace would ensue, and speedily; but it would be a peace dictated in her capital, and placing her political destiny at our disposition.

“And besides, during the progress of such a war to which the honorable gentleman alludes, who can tell the sphere of its operations, and what nations would become parties to it? How soon would the great maritime questions of our day present themselves for solution? How long would it be before England would revive and enforce those belligerent pretensions which drove us to war when we were neutral, and which would drive other nations to war occupying the same position? How long before the violation of her flag would arouse the public feeling of France, and compel her government to vindicate its honor? And who can tell what war of principles and opinions would come to add its excitement and passions to the usual struggles of contending nations? The world is, indeed, in comparative repose; but there are causes in operation which, if quickened into action by peculiar circumstances, might shake the institutions of Europe to their very foundations. I consider a war between England and the United States for ten years, or for half of that time, utterly impossible, without bringing into collision the great questions of our day—the right to govern and the duty to submit—and into fierce action

the interests and passions which such a struggle would excite—a struggle that must come, but which such a war would accelerate.

“But permit me to ask the senator from South Carolina, if all this were so, if his anticipations were certain, instead of being purely gratuitous, ought the assurance of such events to come from him, from such a high authority, in so high a place? in the Senate of the United States, and from one who has filled some of the most important positions in our government? whose services and talents and character gave him great consideration with his countrymen; who possesses a European fame; and whose opinions are quoted at this moment in London and Paris as indications of our policy, and of the final result of this controversy? Is it well thus to announce to the world our incapacity to defend ourselves? For that is in fact the result. A government dissolved, or rather changed to a despotism, a country ruined, and eventually its fragments a prey to ambitious generals, as the empire of Alexander was partitioned among his lieutenants! War, then, becomes not a measure of safety, but a signal of destruction to the American people! We are powerless to defend ourselves! If we are struck upon one cheek, we must turn the other; not in a spirit of Christian charity, but in the despair of helplessness! We are bound together by a fair-weather government, incapable of riding out the storms of foreign aggression. Submission must be our refuge, for beyond submission is destruction. We shall exhibit the extraordinary spectacle of a great people, great in all the elements of power and prosperity, saying to the world, in effect, we can not contend with England. We are at her mercy, for even success would ruin us.

“Now, sir, this is not so. There is not one man within the sound of my voice whose heart does not tell him, *such has not been your past—such will not be your future*. The honorable senator, in looking at the real calamities of war, which I seek neither to conceal nor to deny, has suffered himself to overrate them. They have struck him more forcibly than they should do. The experiment of two wars with England into which we entered, and from which we issued gloriously, puts the stamp of error upon these sad forebodings. How they pushed us forward in character and position among the nations of the earth, I need not tell; nor need I say that the march of this country in all that constitutes the power and happiness of a people, is a practical proof that those

conflicts left no wounds upon our institutions, and but temporary checks upon our prosperity.

“The honorable senator has appealed to his past history in proof that in presenting these views he acted in no unmanly fear for himself, and that if war comes he would be among the last to flinch. No, Mr. President, no one in this nation doubts that his course would be firm and patriotic should war be forced upon us.

“But he will permit me also to appeal; to appeal from the senator of 1846 to the representative of 1812. He is the *ultimus Romanorum*—the last of the Romans: the sole survivor among us of a generation of statesmen who have passed from the legislative service of their country. The last of the actors, not of the signers, who gave to the world our second Declaration of Independence, scarcely inferior in its causes and consequences to the first. He came here young, unknown to his country. He left these halls with a maturity of fame which rarely falls to the lot of any statesman. I was then upon the frontier, and well do I remember with what straining eyes and beating hearts we turned towards the capitol, to know if the honor and interests of our country would be asserted and maintained. There were then two men here upon whom, more than upon any others, perhaps more than upon all others, devolved the task of advocating the war, and of carrying through the measures of the administration. And nobly did they perform their duty. They were the honorable senator from South Carolina, and a retired statesman, Mr. Clay, from whom, though it has been my fortune to differ in the party contests that divide us, yet it has always been my pride to do justice to his eminent qualities and to his high services to his country, and especially to his services during our last contest with England. They were the leaders of that great legislative war, who, like the Homeric heroes, threw themselves into the middle of the fight, and fought the battles of their party and of their country with equal talents, firmness and success.

“As to the evils of war, he of us is blind to all historical experience who does not see them, and unfaithful to his position who does not acknowledge them. There is no such representative of the States here. We *all* acknowledge the evils of war, both moral and material. We differ as to their degree, and as to the power of this country to endure and to inflict them. While the condition of England presents great means of annoyance, it presents also

palpable elements of weakness. I am not her panegyrist. I shall never be accused of that. But if I see the defects of her national character, I can see also her redeeming virtues. I am sensibly alive to the acts of injustice she has done us. The feeling is deposited at my heart's core. But I do not shut my eyes, either to her power or to the virtues she actually possesses. I need not tell what she has done to attract the admiration of the world ; for her deeds of war and peace are written upon many a bright page of human story. She has reached a commanding eminence among the powers of the earth—a giddy eminence ; and I believe she will find it an unstable one. I do not, however, estimate her present position as high as many do, and I consider it as unsafe as almost any one can. The elements of her weakness lie upon the very surface of her affairs, open to the most careless observer. But she has great military and naval establishments, and she is augmenting and extending them. I am not going to spread before the Senate the statistics of her powers of annoyance and defense. This has been sufficiently done already. But I will express my decided conviction that these tabular statements give an exaggerated picture of her condition. Old vessels, old guns, mere hulks, invalids, the relics of half a century of war, are arranged in formidable lists of figures, and go to swell the general aggregate.

“ Besides, she has peculiar drawbacks to the exertion of her power. The seeds of danger are sown in the most important province of her home empire, and may at any time start up into an abundant harvest of ruin and disaster. The dragon's teeth may become armed men.

“ She has possessions round the world to retain, and in many of them a discontented population to restrain. Her commerce, the very foundation of her prosperity and greatness, is scattered over all the bays, and inlets, and gulfs, and seas of the world ; and he who knows the daring character and enterprise of our people, knows that our public and private armed vessels would almost sweep it from existence. But I shall not pursue this investigation further. While I believe she will go to war with us, if she can not escape from it without wholly sacrificing her own honor, as she views the question, I recollect she has done so twice before, with no credit to herself, but with imperishable glory for us.

“ A few words as to the condition of her finances and her means of carrying on a war. It is said to be the last feather that breaks

the camel's back. That the time will come when the artificial and oppressive fiscal system of England must break down, and, like the strong man of Israel, involve her existing institutions in the fall, is as certain as any future political event can be. But that time has not yet come, and he must be a bolder or a wiser man than I am, to predict when it will come. She has the same means now to meet her war expenditures which she has long had. The power of drawing upon the future for the exigencies of the present, leaving the generations to come to pay the debt, or to cast it off like a burden too heavy to be borne. At this very moment she is making an experiment which will be almost a revolution,—a wise experiment, as I believe, but still a fearful one for an old society whose habits are fixed, and which accommodates itself with difficulty even to gradual changes.

“As to the points of contrast between our condition and that of England, they are before the world; and for the purposes of peace or war we need not fear the most searching examination.

“Happen what may, we can neither be overrun nor conquered. England might as well attempt to blow up Gibraltar with a squib, as to attempt to subdue us. I suppose an Englishman never even thinks of that, and I do not know that I can exhibit in stronger terms its impossibility.

“I might easily spread before the Senate our capacity to annoy a maritime adversary, and to sweep the British flag from this part of the continent; but I forbear. What we have twice done in the days of our comparative weakness, we can repeat and far exceed in these days of our strength. While, therefore, I do not conceal from myself that a war with England would temporarily check our progress and lead many evils in its train, still I have no fear of the issue, and have an abiding confidence that we shall come out of it, not indeed unharmed, but with all the elements of our prosperity safe, and with many a glorious achievement written on the pages of our history.

“It pains me, sir, to hear allusions to the destruction of this government, and to the dissolution of this confederacy. It pains me, not because they inspire me with any fear, but because we ought to have one unpronounceable word, as the Jews had of old, and that word is *dissolution*. We should reject the feeling from our hearts and its name from our tongues. This cry of ‘*wo! wo!* to Jerusalem,’ grates harshly upon my ears. Our Jerusalem is

neither beleaguered nor in danger. It is yet the city upon a hill, glorious in what it is, still more glorious, by the blessing of God, in what it is to be—a landmark inviting the nations of the world struggling upon the stormy ocean of political oppression, to follow us to a haven of safety and of rational liberty. No English Titus will enter our temple of freedom through a breach in the battlements, to bear thence the ark of our constitution and the book of our law, to take their stations in a triumphal procession in the streets of a modern Rome, as trophies of conquest and proofs of submission.

“Many a raven has croaked in my day, but the augury has failed and the Republic has marched onward. Many a crisis has presented itself to the imagination of our political Cassandras, but we have still increased in political prosperity as we have increased in years, and that, too, with an accelerated progress unknown to the history of the world. We have a class of men whose eyes are always upon the future, overlooking the blessings around us, and forever apprehensive of some great political evil which is to arrest our course somewhere or other on this side of the millennium. To them we are the image of gold, and silver, and brass, and clay, contrariety in unity, which the first rude blow of misfortune is to strike from its pedestal.

“For my own part, I consider this the strongest government on the face of the earth for good, and the weakest for evil. Strong, because supported by the public opinion of a people inferior to none of the communities of the earth in all that constitutes moral worth and useful knowledge, and who have breathed into their political system the breath of life; and who would destroy it, as they created it, if it were unworthy of them or failed to fulfill their just expectations.

“And weak for evil from this very consideration, which would make its follies and its faults the signal of its overthrow. It is the only government in existence which no revolution can subvert. It may be changed, but it provides for its own change when the public will requires. Plots and insurrections, and the various struggles by which an oppressed population manifests its sufferings and seeks the recovery of its rights, have no place here. We have nothing to fear but ourselves.”

Mr. Benton, of Missouri, followed General Cass, and took issue with him upon his geographical statements, and questioned some

of the authorities cited by him. These remarks of Mr. Benton compelled General Cass on the second of April again to address the Senate. He had undermined the position of the senator from North Carolina, and the senator from Missouri came to the rescue.

“Mr. President, I have come here this morning to set myself free. Twice in my life I have been captured by enemies—once fighting against British pretensions in war, and again fighting against British pretensions in peace. My country redeemed me in the former case—I come to redeem myself in the latter. I say enemies, but I trust the term is only metaphorically applicable. There is nothing in the former relations between the honorable senator from Missouri and myself, nothing in our present position which should make us enemies. On the contrary, a long personal friendship has existed between us, which I did not suppose was sundered. If, however, it is otherwise, I must bear it as I may. I have borne greater calamities than even the hostility of the honorable gentleman from Missouri.

“I came here, sir, as I said before, to redeem myself; and I mean to do it: to do it by correcting a misapprehension,—by speaking the truth.

“‘He is the freeman, whom the truth makes free:

‘ All else are slaves beside.’

“I will not speak in the triumphant tone which pervades the speech of the honorable senator from Missouri. It is not my habit. ‘Let not him that girdeth on his harness, boast himself, as he that putteth it off.’ Let no man boast till the victory is won; and especially, let him not boast while his adversary is absent. What the senator said presents subjects enough for animadversion, but the manner in which he said it was still more unacceptable. I am ignorant of any circumstances, in our relative situations, which could justify it; still, I repeat that I mean to vindicate myself, and that, too, to the entire satisfaction of every man within the sound of my voice.

“Mr. HANNEGAN.—Every impartial man.

“Mr. CASS.—No, Mr. President; I will not accept the qualification suggested by my friend from Indiana. If my vindication is not satisfactory to every man, partial or impartial, I will agree to be tied to the chariot wheels of the honorable senator from

Missouri, and to fight the battles of 49; and I hardly know two more severe punishments that could be inflicted upon me.

"The honorable senator says that I came here the other day to make a studied speech on the subject of Oregon. I did so, sir; and he overrates his own powers, and underrates the mental qualities of the members of this body, who comes here to give his opinions upon a great national subject without due preparation. I shall not commit that folly; and I have too much regard for the intelligence and experience of the honorable senator, to believe that he would. I presume that his thoughts are fully prepared upon every grave topic on which he presents his views to this body. But, however it may have been before, I have not had much time for preparation now, for I was not in my seat yesterday when the honorable senator made his attack; and, of course, I could not know, except from rumor, what he said till this morning.

"Now, sir, what is the subject in controversy between the honorable senator and myself? He says that I am committed, by my own declaration, to go for 49, if it is shown that commissioners were appointed under the treaty of Utrecht to establish that parallel as a boundary. This assertion is the whole foundation of his argument, upon which the whole superstructure rests. If the one falls, the other falls with it. Now, sir, I not only never said so, but the idea never occurred to me; I never thought of it. And the honorable gentleman has wholly misunderstood me, either through my fault or his own.

"He has erected a fortification for me, and battered it down with his own cannon. I choose to be shut up in my own defensive works only; if these are carried by siege or by storm, then I will surrender; but let me be my own engineer.

"My position was this, sir. Many of the members upon this floor contend that the parallel of 49° is the northern boundary of our claim in Oregon,—some directly so; and others, because it was assumed to be such by our government in the early period of our controversy on this subject with England. To us, therefore, who believe that our claim in Oregon goes to $54^{\circ} 40'$, it was essential to show there was an error on this subject; that the treaty of Utrecht never extended to the country west of the Rocky Mountains.

"Mr. Greenhow, in his work on Oregon, had examined this question, and had endeavored to show that no commissioners,

under the treaty of Utrecht, had ever established any boundary between the French and English possessions on this continent. So far as respects the general proposition, it is a mere question of historical authenticity, not having the slightest practical bearing upon our title to Oregon. Because, before our title to Oregon could be affected, it must be shown that that line, if established at all, must extend west of the Rocky Mountains.

“Mr. Greenhow, in his work, enters into the question, and I referred to his book as one entitled to talent, industry, and caution; and I requested gentlemen who had doubts on this subject to turn to that work, and I thought they would satisfy themselves that no such line had been established. I did not vouch for the facts or conclusions. I never examined the general subject in its extent. I stated, however, that the result of his discussion upon my mind was, that such a line had not been run. I am still under that impression, sir, and nothing that was said yesterday has shaken its strength. Still, I do not hold myself at all responsible for Mr. Greenhow’s accuracy. I should investigate the subject with far more care than I have done, if I were to be held responsible for deductions resting upon any other man’s assertions.

“The senator from Missouri says, he comes here not to settle a point which can at all influence the action of this body, or have the slightest effect upon the termination of our controversy with England. He says he ‘makes no application of this fact,’ referring to his proof that the parallel of 49° was established somewhere by the treaty of Utrecht. He says: ‘I draw no argument from it. I do not apply it to the question of title. I am not arguing title, and will not do it; but I am vindicating history, assailed in a vital point by the book which has been quoted and endorsed. I am vindicating the intelligence of the American Senate, exposed to contempt in the eyes of Europe, by a supposed ignorance of a treaty which is one of the great political landmarks in Europe and America,’ &c.

“The senator will pardon me for saying that this seems to me very much of a tempest in a teapot. What does he profess to vindicate before the Senate of the United States? Not the rights of the country, but the alleged truth of an historical fact, misrepresented by Mr. Greenhow, and vouched for, as the senator thinks, by me. Now, sir, it seems to me, that this solemn trial, before such a court as this, is hardly justified by the nature of the accusation. Here is an historical error. Be it so. Nobody

contends that it affects our interests or our honor in the remotest degree; no more so than the parentage of Romulus and Remus. This is not a lecture room. We are neither professors nor students, assembled here to discuss the truth or falsehood of historical statements which have no relation to our duties. And it seems to me, also, that Europe will know little, and care less, respecting this *grave* controversy, now *sub judice* before this high tribunal. I doubt if its fame reaches there. I rather imagine that, in that quarter of the globe, there are other, if not graver, subjects to engage the attention of both governments and people, than historic doubts involving Mr. Greenhow's accuracy and my credulity.

"Still, sir, as this question is thus brought before us, I shall proceed to give a brief synopsis of it, and leave honorable senators to judge for themselves. The senator from Missouri has brought forward three principal facts, to prove that the parallel of 49° was established by commissioners under the treaty of Utrecht. The first is a despatch from Mr. Madison to Mr. Monroe; the second, a statement submitted by Mr. Monroe to Lord Harrowby; the third—I put them together, for the honorable gentleman has joined them—Postlethwayt's Dictionary and D'Anville's maps.

"Before proceeding further, sir, I beg to remark that the honorable senator, in quite a taunting tone, contrasts my investigation of this matter with his own. He goes to the fountain-head, the authentic documents, and *there* finds the truth; while I go to the turbid stream, and am thence 'led astray,' and thus have wandered into the enemy's camp, and have become a prisoner. And what are those *authentic* documents which the honorable senator has sought and found, and pored over with the midnight lamp, to educe the truth? Why, Postlethwayt's Commercial Dictionary, containing a map! This is all, literally all!—a work long since referred to by Mr. Greenhow in his book, and examined by him.

"Now, sir, the first reflection which strikes a man, is this, that if this line were thus established, the proof of it might have been got forty years ago from the archives of Paris or London. That would be positive and undeniable evidence, and all short of it is inconclusive, and such as no tribunal of justice would receive as final.

"Before any man assumes the existence of such a line as a barrier to his country's claims, he ought to prove it, not by loose

deductions from loose historical notices, but by an authentic copy of the act of the commissioners.

“But what says Mr. Madison? The honorable senator from Missouri says, ‘the fact of commissaries having acted was assumed for certain.’ The language of Mr. Madison reads far otherwise to me. As I stated the other day, he speaks doubtfully upon the subject; and I repeat the assertion, notwithstanding the contrary averment of the senator from Missouri. ‘*There is reason to believe,*’ said Mr. Madison to Monroe, ‘that the boundary between Louisiana and the British Territories north of it was actually fixed by commissaries appointed under the treaty of Utrecht.’

“He then adds, that he sends a paper containing the authority respecting this alledged decision; but he adds cautiously: ‘*But you will perceive the necessity of recurring to the proceedings of the commissaries as the source of authentic information.*’ These are not within our reach here, and it must be left to your own researches and judgment to determine the proper use to be made of them.’ If this is certainty, I should like to know what uncertainty is. The honorable senator regrets that I had not looked into the original documents, instead of depending on Greenhow, and thus becoming ‘his dupe and his victim’—not very courteous words these, by-the-by—and that, if I had done so, I would not have said that Mr. Monroe had not added anything to Mr. Madison’s statement, and had left the question as doubtful as he had found it. ‘In point of fact,’ says the senator, ‘Mr. Monroe added the *particulars*, of which Mr. Madison declared his ignorance; added the beginning, the courses, and the ending of the line, and stated the whole with the precision of a man who had taken his information from the proceedings of the commissioners.’

“This is to me a strange view of the matter, sir. I can not find that Mr. Madison refers to any *particulars*. He, certainly, does not use the word. It is the authenticity of the notice enclosed by him which he desires Mr. Monroe to ascertain. What the *particulars* were, contained in the notice, we do not know, as the paper itself can not be found. That notice, as I shall show, or rather Greenhow has shown, there is every reason to believe was an extract from Douglas’ History of America.

“Before I proceed to examine these *particulars*, I may be allowed to remark that Mr. Madison doubted, with precisely the same facts which we have before us, the map and book referred

to by the honorable gentleman ; and, to this day, not one single circumstance has been added which could remove those doubts. Where, then, that illustrious man felt uncertainty, I may be permitted to feel a greater degree of it, in consequence of the direct and circumstantial evidence since discovered, leading to the presumption that no such line was established. But I repeat, sir, that, in this investigation, I do not profess to come to any absolute conclusion. It is a subject on which men may differ. The result of my examination impresses me with the conviction that no such line was established. Mr. Monroe presented a memoir to Lord Harrowby, the Secretary of State, and I will now quote from the gentleman's speech that part of it upon which he dwells, as showing 'the beginning, courses, and end of the line, &c., with the precision of a man who had taken his information from the proceedings of the commissaries.' I will quote, also, the statement of Douglas, the historian of North America ; and no doubt can exist on the mind of any man that Mr. Monroe resorted to that authority for his statement, and not to the original archives :

" 'Commissaries were accordingly appointed by each power who executed the stipulations of the treaty in establishing the boundaries proposed by it.' 'They fixed the northern boundary of Canada and Louisiana by a line beginning in the *Atlantic, at a cape or promontory in 58° 30' north latitude; thence southwestwardly to the Lake Mistissin; thence, further southwest, to the latitude of 49° north from the equator, and along that line indefinitely.*' "

"Douglas says, page 7: 'By the treaty, however, the Canada or French line, with the Hudson Bay Company of Great Britain, was ascertained from a *certain promontory upon the Atlantic ocean, in 58° 30' of north latitude, to run southwest to Lake Mistissin; to be continued still southwest to the 49th degree, and from thence due west indefinitely.*' "

"Now, sir, the honorable senator from Missouri says that Mr. Monroe must have taken his information from the proceedings of the commissaries. No man can doubt but that Mr. Monroe quoted from Douglas' book. The language is so nearly identical as to render such a coincidence impossible, if it were accidental.

"The suggestion that Mr. Monroe went to the archives to procure the *particulars*, of which 'Mr. Madison had declared his ignorance,' but of which declaration I can not find a trace, seems to me very extraordinary, when we advert to Mr. Monroe's report. The proceedings in such a case as this, establishing a boundary between two great nations, extending over so large a portion of the surface of the globe, were never recorded in the language of Mr. Monroe. Who were the commissioners? Where did they sit?

What was the date of their action? Where was the confirmation of their award by their governments? What, in fact, were the points indicated? 'Beginning in the Atlantic, at a cape or promontory in 58° 30' north latitude!' A cape or promontory not named, but to be ascertained by its latitude! And if the latitude were not correctly stated, what then? Suppose where that parallel struck the Atlantic there was no cape or promontory? And would any commissioners assume such an absolute knowledge of the topography of a remote and barren coast as to make that fact the basis of their whole action? Valid, if it were so; invalid, if it were not.

"But this loose language is not confined to the place of commencement. After leaving this 'cape or promontory,'—this *terra incognita*—the line is to run *southwestwardly to Lake Mistissin*, an indefinite course, as will be seen, and not rendered definite by indicating what part of the lake it was to strike.

"No reasonable doubt can exist but that, as Mr. Monroe employed the language of Douglas, he took the statement from that historian.

"Mr. Monroe, however, presented the fact to Lord Harrowby, and it was not contradicted by him, so far as we know.

"From this negative circumstance the gentleman from Missouri draws the important conclusion, that the fact must have been so. I shall not enter into this matter, as it is not at all important.

"Mr. Monroe stated a fact that had occurred, if it occurred at all, a century before. It had in reality little, if any, bearing upon the subject he was urging, which was the right of the United States to 'possess the territory lying between the lakes and the Mississippi, south of the parallel of the 49th degree of latitude.'

"It was to the treaty of 1783 that he was referring, and to Mitchell's map, by which it was formed. He adverts to the treaty of Utrecht by saying that, 'by running due west from the north-western point of the Lake of the Woods to the Mississippi, according to the treaty of 1783, it must have been intended, according to the lights before them, to take the parallel of the 49th degree of latitude, as established under the treaty of Utrecht.'

"Now, sir, it might well be that Lord Harrowby never considered it necessary to look into this alledged fact, as it had no real bearing on the subject, being alluded to merely as giving reasons

which may have influenced the commissioners in fixing the boundaries of 1783.

“Most certainly his silence, under such circumstances, furnishes no solid proof—scarcely, I may say, a light presumption—in favor of this parallel of 49°.

“The next proof of the establishment of this line, given by the senator, was Postlethwayt’s Commercial Dictionary, with D’Anville’s map. There is no quotation from the dictionary, and the matter, therefore, rests on the map alone.

“The senator then pointed out the line established under the treaty of Utrecht, and read the account of it as given in a note on the upper left-hand corner of the map. The description was in these words :

“*‘The line that parts French Canada from British Canada was settled by commissaries after the peace of Utrecht, making a course from Davis’ Inlet, on the Atlantic sea, down to the 49th degree, through the Lake Abitibis, to the Northwest ocean; therefore Mr. D’Anville’s dotted line east of James’ Bay is false.’*

“The senator then states that this map was ‘made by D’Anville, the great French geographer of his age, and dedicated to the Duke of Orleans,’ &c., &c.; and he adds, it is the ‘authentic French testimony in favor of the line of Utrecht.’

“Now, sir, it is not a little curious that this map, thus authoritatively pronounced to be authentic, is, upon the very face of it, stated to be false in one important particular. What, then, becomes of the correctness of the assertion of the honorable senator, and of the certainty of this testimony?

“If wrong in one respect, it may be so in others, and, at any rate, our faith in its pretensions is entirely shaken. But I do not understand by whom this note was written : evidently not by D’Anville, for it impugns his own work. We have not, therefore, D’Anville’s authority for this line, as being established under the treaty of Utrecht. He marks the line upon his map, but whence his authority for it is left to conjecture.

“One other point, sir. The honorable senator states that, in an attempted negotiation with the British government, during Mr. Jefferson’s administration, two articles were proposed—one by the American commissioners, and one by the British—for the establishment of a boundary between our country and Canada, from the northwestern point of the Lake of the Woods. The articles

are substantially the same, but with the difference which an examination of them will show.

“The American *projet* provided :

“‘That a line drawn due north or south (as the case may require), from the northwestern point of the Lake of the Woods until it shall intersect the 49th parallel of north latitude, and, with the said parallel, shall be the southern boundary of his Majesty’s territories, and the northern boundary of the said territories of the United States.’

“The British *projet*, after providing for the running of a line north or south, as might be, from the northwestern point of the Lake of the Woods to the parallel of 49°, provides that the ‘said parallel shall be the dividing line between his Majesty’s territories and those of the United States to the westward of said lake, as far as their respective territories extend in that quarter; and that the said line shall, to that extent, form the southern boundary of his Majesty’s said territories, and the northern boundary of the said territories of the United States.’

“Each of these *projets* contains the same proviso : ‘That nothing in the present article shall be construed to extend to the northwest coast of America, or to the territories belonging to, or claimed by, either party on the continent of America west of the Stony Mountains.’

“The senator exclaims triumphantly, ‘Here is concurrence in the proceedings of the commissaries under the treaty of Utrecht!’ ‘Here is submission to that treaty on the part of the British!’ &c.

“In the first place, sir, allow me to remark, that this was a mere *projet*, and that no treaty was made on the subject till eleven years afterwards, in 1818. Now, what is meant by ‘concurrence’ here? If accidental coincidence, the matter is not worthy of further inquiry. But if, by ‘concurrence,’ is meant that this line was actually established by the treaty of Utrecht, and thus binding on the parties, no other convention was necessary. Both nations, upon this assumption, mistook their own rights and their duties. The boundary had been established a century before, and they were carrying on a useless and barren negotiation, which was thus blindly and unnecessarily ripened into a treaty in 1718. But, sir, the senator proceeds to ask, what Mr. Jefferson did with this *projet*, and adds that he rejected it. And why, sir? The letter

from Mr. Madison to Messrs. Monroe and Pinkney, dated July 30th, 1807, states :

“‘The modification of the fifth article (noted as one which the British commissioners would have agreed to) may be admitted in case that proposed by you to them be not attainable. But it is much to be wished and pressed, though not made an ultimatum, that the *proviso* to both should be omitted. This is, in no view whatever, necessary, and can have little other effect than as an offensive intimation to Spain that our claims extend to the Pacific ocean. However reasonable such claims may be, compared with those of others, it is impolitic, especially at the present moment, to strengthen Spanish jealousies of the United States, which it is probably an object with Great Britain to excite by the clause in question.’

“Now, sir, Mr. Jefferson’s object was not to offend Spain, and therefore he rejects a proviso which expressly limits our claim to the Rocky Mountains, in order not to excite the jealousy of a most jealous nation, by even the appearance of interfering with her rights ; and yet the honorable senator supposes that this very treaty, without the proviso, was to run to the Pacific, claiming for us and England the whole country. And which would excite the jealousy of Spain most — to say, expressly, the American government will make no arrangement with that of England for pushing the American title west of the Rocky Mountains ; or to form a treaty actually carrying this claim there without regard to Spanish rights ? It is obvious to me that Mr. Jefferson did not believe in the English title west of the Rocky Mountains as far as the Pacific ; and, therefore, making a treaty with that power for the establishment of a boundary between her and the United States would not justly give offense to Spain, as it would not call in question Spanish rights.

“The honorable gentleman has not said one word of Mr. Jefferson, in which I do not heartily concur. An abler or a purer statesman is rarely to be found in history. Time, which tries the fame of all men, and reduces the fame of most men, is rendering his brighter and brighter ; and we have scarcely a name in history — certainly but one — which is more revered by the American people, as that of a pure patriot, and a consummate statesman. The honorable senator will please to recollect that this *projet* of Mr. Jefferson, under any circumstances, proves nothing, because :

“1. It was never carried into effect;

“2. It was before the Florida treaty, by which we acquired the Spanish title;

“3. It was formed under the impression, now shown to be an erroneous one, that the parallel of 49° had been established, under the treaty of Utrecht; as the northern boundary of Louisiana, extending to the Rocky Mountains.

“But, after all, our rights remain as they were; and the opinions of such able and honest men as Mr. Jefferson, Mr. Madison, and Mr. Monroe, whatever those opinions may have been, though entitled to very grave consideration, still leave the government perfectly free and unembarrassed by a *projet* proposed by them, but finally abandoned. Though, upon the assumption that the northern boundary of Louisiana was fixed by commissaries under the parallel of 49° , I can not understand why the parties negotiated at all; and though I see no evidence that the line proposed was intended as the recognition of an English title west of the Rocky Mountains, to the exclusion of Spain, but the contrary, yet I have such an abiding confidence in each of those statesmen, that I am fully satisfied the apparent facts within their reach justified their course, whatever that was intended to be.”

General Cass was represented to hold the opinion that the American title was clear and indisputable to the upper parallel. Such, at no stage of the controversy, was his position. He insisted that the British claim was not clearer than the American. He claimed, that the title of the United States to the 49th parallel was unquestionable, and as good as the British to the residue of the disputed territory. Mr. Benton assumed as his premises, that General Cass was for $54^{\circ} 40'$, or *fight*, which was true: and then, without pausing to inquire upon what basis the General placed the claim, Mr. Benton assumed that the senator from Michigan had taken upon himself to demonstrate the validity of the American title to the whole of the territory. This was a mistaken assumption by the senator from Missouri. Unwittingly, he had taken upon himself the affirmative of the issue. It was for him to show, not simply that the American sovereignty terminated at the parallel of 49° , but the onus was cast upon himself to show, in addition, that the British title was good from $54^{\circ} 40'$ to 49° .

Great stress was placed, by the advocates of the British pretension, upon the suppositious acts of certain commissaries appointed

under the treaty of Utrecht to settle the line of separation between the Hudson Bay territories and the French possessions. As General Cass occupied the negative of the issue, he could, at best, but adduce negative evidence to rebut this pretension. Such evidence he brought forward in abundance. It was the only evidence of which the case admitted, and was equivalent to a positive contradiction of the hypothesis that any settlement of boundaries was made or projected under the treaty of Utrecht. All the works — relating to that period of history at which this settlement of the northern limit of Louisiana was said to have been made, and in which a record or notice of such an important transaction, if it had taken place, would be found—were entirely and, if it had actually occurred, most miraculously silent, with regard to any decision or act of the commissaries on this point. Indeed, upon a close analysis of the authorities relied upon to bolster up this British claim, they were found to be mere statements of persons unconnected with the transactions of the Utrecht treaty, and possessing no better means, as far as known, of information respecting them than other people. All that the most vivid imagination could claim, or the most liberal charity admit, was, that some of the persons alluded to supposed, when they wrote their works or made their maps, that the parallel of 49° constituted the northern limit of Louisiana.

General Cass, therefore, very properly, in his reply, proceeded to say :

“ Now, sir, I shall pursue this investigation no further. I have already observed that whether this line was established or not east of the Rocky Mountains, is not of the slightest importance. The position that I occupied in my speech, and that I occupy now, is this : It is contended in the Senate, and out of it, that the parallel of 49° is our northern boundary in the territory of Oregon, and that it was assumed as such by our government in the early part of the controversy, and so maintained for some years ; and that we are, therefore, concluded against the assertion of any other boundary. Now, sir, my object was, to show that no such line was ever established by the treaty of Utrecht in the Oregon country, and that we were, therefore, free to urge our pretensions, without regard to this statement, or to the acts of our government founded upon an erroneous impression that the line of 49° did extend to the Pacific ocean. This is what I undertook to disprove,

and nothing but this. And I will now ask the honorable senator from Missouri, if he believes that the parallel of 49° was ever established by commissaries under the treaty of Utrecht, as a boundary west of the Rocky Mountains? I will wait for the honorable gentleman's reply."

Here Mr. Cass paused for a short time, but Mr. Benton not answering, he continued :

"Well, the honorable gentleman does not answer me. If he believed the line run there, I am sure he would say so ; for, if it did run there, we are forever foreclosed from any claim under the Louisiana treaty, and the force of the honorable gentleman's attack upon me would be greatly strengthened. As he does not answer, I shall take it for granted that he believes no such line was ever established there. And if the fact is so, my object is answered, and we are relieved from the embarrassments arising out of the repeated assertions that the line of 49° is our northern boundary in the territory of Oregon.

"This, sir, is my position. How different it is from the position assigned to me by the honorable senator, I need not say. I trust I have redeemed myself, and that I can again enter into the contest, a free man, battling for the full rights of his country even to $54^{\circ} 40'$.

"There is one point to which I beg leave to advert. The honorable senator has given me a fair hit, and I award him the credit due to it. In my remarks the other day, alluding to the effect that improper persons, 'minions, and favorites, and mistresses,' had produced upon the destinies of nations by the exercise of an injurious influence, I adverted to the fact of the offense taken by Mrs. Masham at having a cup of tea spilt upon her silk gown. The incident I remembered, and its influence I remembered, but I thought it had been exerted to produce a war, whereas the honorable senator has corrected me, and has shown that it was exerted to produce peace. It is a long time since I have looked into the English history : I presume the honorable gentleman from Missouri refreshed his recollection last evening.

"Mr. BENTON.—I have not looked at it for forty years.

"Mr. CASS.—The honorable gentleman's memory is then better than mine. I will remark, however, that the incident, even as it happened, is illustrative of the general position I assumed ; because the favorite of Queen Anne would as soon have brought

about a war as a peace, had the former, instead of the latter, been necessary to enable her to vent her spleen upon the Duchess of Marlborough. I repeat, the correction was a fair hit, and the manner entirely unobjectionable. I shall testify my acknowledgment by putting the fact right in my printed speech."

In the meantime, the House of Representatives had taken up this subject, and having passed a resolution of a similar import, had sent the same to the Senate for its concurrence. Mr. Allen, therefore, on the sixteenth of April, moved that the resolution offered by him under debate, with the amendments, be laid on the table, with the view of taking up for consideration the resolution of the House of Representatives. The motion was agreed to, and the Senate proceeded to consider the House resolution. It was amended in the Senate, by prefixing to it a preamble, and by changing it from a peremptory and explicit authority to the President to terminate the convention, to a discretionary one. The House of Representatives did not concur in the amendments. Committees of conference were appointed, but they failed to effect an agreement.

In the following month of May, the subject of extending the jurisdiction over the territory west of the Rocky Mountains, being under consideration in the Senate, Mr. Benton again opened the question of the title of the United States to the Oregon territory; and in the course of his speech he attempted to controvert the statements of General Cass, formerly made in regard to the boundary line running along the parallel of $54^{\circ} 40'$.

In reply, General Cass addressed the Senate, examining and discussing the objections raised by his powerful and learned antagonist, sustaining, by irrefragable proofs, the correctness of his own statements, and clearly pointing out the errors of his opponent.

A treaty was made between the two governments, with the view of closing this controversy about Oregon, and the question of its ratification came up in the Senate, in secret session, in July, 1846. General Cass was opposed to its ratification without modifications. By this treaty, the United States not only receded to the parallel of 49° , but it granted rights to British subjects 7° below that, which General Cass deemed incompatible with our national honor. He therefore opposed the ratification in an able speech. The Senate, by resolution, removed the veil of secrecy, and hence the propriety of making this statement.

CHAPTER XXXIV.

National Fortifications—Unsatisfactory Relations with Great Britain—War with Mexico—The Three Million Bill—The Sabbath—General Cass' Views—Wilmot Proviso—President's Recommendation—General Cass advocates Appropriations—Extracts from his Speech—For Vigorous Prosecution of the War.

General Cass, foreseeing the approach of a crisis in the vexed questions that appeared to him to be culminating between the United States and Great Britain, and looking forward to the contingency of a war between the two countries, in order to be prepared for that emergency, introduced, prior to the discussion of the Oregon question, for the consideration of the Senate, resolutions instructing the Committee on Military Affairs to inquire into the condition of the national fortifications and of their armaments, and whether other defensive works were necessary ; and also into the condition and quantity of the military supplies ; into the state of the means possessed by the government for the defense of the country ; and also instructing the Committee on the Militia to inquire into the condition of that great arm of the public defense in case of war ; and that they be further instructed to report such changes in the system then existing, as would give more experience and efficiency to it, and place it in the best condition for protecting the country should it be exposed to foreign invasion ; and also that the Committee on Naval Affairs inquire into the condition of the navy of the United States—into the quantity and condition of the naval supplies on hand, and whether an increase of them was not necessary to the efficient operations of the navy, and to its preservation and augmentation, and, generally, into its capacity for defending our coast and our commerce, and for any service the exigencies of the country might probably require. He advocated them at length, and showed the necessity of their adoption. They were unanimously agreed to.

Before Congress rose, a subject of still more momentous importance, as it turned out, was brought before it. And that was war with Mexico—actual war. After Texas was annexed to the United

States, a question arose with Mexico respecting the boundary line. Mr. Polk, with the view of repelling any invasion from that quarter, in the summer of 1845 ordered troops toward the Rio Grande, with General Zachary Taylor, then colonel, in command. He was ordered there to observe the Mexicans, and defend American territory. In the spring of 1846, Mexican troops crossed the river Rio Grande, and a collision took place, and American blood was shed upon American soil. The President communicated this intelligence to Congress, and in May the two Houses passed a resolution declaratory of war then existing between the United States and Mexico, and measures were taken to enable the government to act as well on the offensive as the defensive. The American army crossed the boundary line of the two republics, and carried the stars and stripes victoriously into the heart of the Mexican country. The President did not wish to prolong the war, and as the Mexican treasury was impoverished, he proposed to Congress to adopt measures to enable him to bring it to a speedy termination. Among others, he asked that money should be placed at his disposal. As the boundary line was the chief obstacle to peace, he thought that an adjustment would require a concession on the part of Mexico, for which it might become necessary to pay money, as an equivalent. For the purpose indicated by the President, a bill was introduced in the House of Representatives in August, 1846, placing at the disposal of the Executive two millions of dollars. During the discussion of this bill—which was just at the close of the session—Mr. Wilmot, a representative from Pennsylvania, offered the following as an amendment to the bill :

“Provided that, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be duly convicted.”

This is the famous Wilmot Proviso, as it is called. And from this point of time and place, did it start on its celebrated pilgrimage through the world. It was first, in fact, introduced by Mr. Winthrop, a representative from Massachusetts, and applied to

the Oregon bill. But then, it fell still-born, and passed out of notice until again brought forth by Mr. Wilmot.

The bill, to which it was now appended, passed the House with this amendment as a rider, on the eighth of August, by a vote of eighty-seven in the affirmative and fifty-four in the negative. The bill was then sent to the Senate, and on Monday, the tenth of August, was, on motion of Senator Lewis, of Alabama, taken up for consideration. That senator moved to strike out the amendment proviso. This motion brought on a debate. Mr. Davis, a senator from Massachusetts, spoke against time, the two Houses having agreed to adjourn at noon of that day, and no opportunity was afforded to take a vote on this bill before the hour of the final adjournment of Congress arrived. As no vote was taken, it is not known what it would have been, if time had been afforded to have taken it; but in secret session, before the introduction of the bill in the House, thirty-three senators approved of the appropriation.

The bill reached the Senate at a late hour in the evening of Saturday, the eighth of August. There was a disposition manifested among the friends of the appropriation, to take the vote at that sitting, even if it was necessary to prolong that day's session through the ensuing Sunday. General Cass was as ready and desirous as any one to reach a final vote, but he was unwilling to trespass upon the Sabbath. Educated in the tenets of the Presbyterian faith, he ever has endeavored to practice them. The observance of the Sabbath, in his estimation, is a bright star in the constellation of their virtues. The blessing of the seventh day, to keep it holy, he considers a wise, social, as well as a sacred institution. What we may do at any time, we are but too apt to do at no time. In his view, the stated observance of religious worship, and the devotion of one day in seven to God's special service, bring our duties before us at prescribed periods, and make the time itself a part of the obligation. And the day, thus sanctified, is also a day of rest—a day of refuge from the toils, and troubles, and ceaseless cares of life; spreading its happy influence over the whole social community, it brings rest to the weary, peace to the troubled, quiet to the care-worn; it shuts out earth and the things of earth, and carries our thoughts far away to heaven and the things of heaven. Vital religion can not exist where God's day becomes man's day, desecrated by all the plea-

tures and business of life. So, when the hand of the Senate clock proclaimed it was midnight, General Cass, as is his custom on all similar occasions, retired from the chamber. He will not, in time of peace, sit in the Senate on the Sabbath, nor in time of war, unless necessary, nor willingly even then. We repeat, he is a believer in the divine institution of the Sabbath.

At the subsequent session of Congress, the President renewed the recommendation of his special message of the previous session. Action thereon was had in Congress, and when the bill making a special appropriation of three millions to bring the war with Mexico to a speedy and honorable conclusion, came up for consideration in the Senate, General Cass supported the appropriation, and in the course of his speech, on the tenth of February, 1847, reviewed the relations between the two countries, the peculiar character of the war, and the propriety of legislating in regard to it, as recommended by the President.

We make the following extracts :

"In the remarks I propose to submit, Mr. President, I shall invert the natural order of arrangement. I intend to present my views of the causes and course of the war thus far, and also the reasons which will induce me to vote for the appropriation of three millions of dollars ; to which I shall add my views of the best mode of proceeding in the prosecution of the war. I shall begin, however, with the two latter subjects.

"I do not rise, sir, with the emotions so visibly felt and so eloquently described by the distinguished senator from South Carolina. I do not consider this country or its institutions in the slightest danger. Never was it more free, powerful, or prosperous than at the present moment, when untimely warnings come to assail us. The public sentinel may sleep upon his watch-tower. In the distant horizon not a cloud as big as the prophet's hand, is to be seen, which is to overspread the heavens, and to burst in thunder and tempest upon us. We are, indeed, engaged in a foreign war, which demands the solicitude of every good citizen. But the scene of its operations is two thousand miles distant; and, come the worst that may, we can at any time withdraw into our own country. Disgraceful, indeed, would be such a movement; but it would be still better than the evils predicted, and according to the nature of the apprehensions expressed, it would terminate the danger.

“Mr. President, it gives me great pain to hear any allusions to the dissolution of this Confederacy; and of all the places in this Republic, this high place is the last in which they should be expressed. The Constitution is in no danger. It has survived many a shock, and it will survive many more. There are those now in the Senate—and I am among them—who were born before it came into being.

“We have grown with our growth and strengthened with our strength, till the approach of physical infirmities, the kindly warnings of nature, bid us prepare for another and an untried world. And the Constitution, too, has grown with its growth and strengthened with its strength, till from three millions it governs twenty millions of people, and has made them the happiest community upon the face of the globe. But it is yet fresh in its strength. No infirmity has come to tell us that its dissolution is near. It is no longer an experiment, but experience; no longer a promise, but performance. It has fulfilled all, and more than all, its most sanguine advocates dared predict. It is at this moment stronger in the affections of the American people than at any other period of its existence. Like the cliff of eternal granite which overlooks the ocean, and drives back the ceaseless waves that assail its base, so will this Constitution resist the assaults that may be made upon it, come how, or when, or whence they may. In the providence of God, no such lot as ours was ever conferred upon a people. What we have been and are, the past and the present have told, and are telling us. What we are to be, the future will tell to those who are to come after us, to their joy or sorrow, as we cherish or reject the blessings we enjoy. If we are not struck with judicial blindness, as were God’s chosen people of old, and punished for national offenses by national punishments, we shall cling to this Constitution as the mariner clings to the last plank when night and the tempest close around him; and we shall cling to it the stronger as the danger is greater.

“Mr. President, I shall not touch any of the topics before us, as a sectional man. I view them and shall present them as an American citizen, looking to the honor and interests of his country, and of his whole country. In these great questions of national bearing I acknowledge no geographical claims. What is best for the United States is best for me, and in that spirit alone shall I pursue the discussion.

“ A strong desire pervades this country that a region extending west of our present possessions to the Pacific ocean, should be acquired and become part of our confederacy. The attempt to purchase it was made during the administration of General Jackson, and the hope of succeeding has never since been wholly abandoned. I will not detain the Senate by spreading out the reasons which render such a measure desirable. It would give us a large territory, a great deal of it calculated for American settlement and cultivation, and it would connect us with the great western ocean, giving us a front along its shores in connection with Oregon of, perhaps, thirteen or fourteen degrees of latitude. It would give us also the magnificent bay of San Francisco, one of the noblest anchorages in the world, capable of holding all the navies of the earth ; and from its commanding position controlling, in some measure, the trade of the northern Pacific. But, sir, besides these advantages, commercial and geographical, there are important political considerations which point to extension as one of the great measures of safety for our institutions.

“ In Europe, one of the social evils is concentration. Men are brought too much and kept too much in contact. There is not room for expansion. Minds of the highest order are pressed down by adverse circumstances, without the power of free exertion. There is no starting point for them. Hence the struggles that are ever going on in our crowded communities ; and hence the *emeutes* which disturb and alarm the governments of the old world, and which must one day or other shake them to their center. Questions of existence are involved in them, as well as questions of freedom. I trust we are far removed from all this ; but to remove us further yet, we want almost unlimited power of expansion. That is our safety-valve. The mightiest intellects which, when compressed in thronged cities and hopeless of their future, are ready to break the barriers around them the moment they enter the new world of the west, feel their freedom, and turn their energies to contend with the works of creation ; converting the woods and the forests into towns, and villages, and cultivated fields, and extending the dominion of civilization and improvement over the domain of nature. This process has been going on since the first settlement of our country ; and while it continues, whatever other evils betide us, we shall be free from the evils of a dense

population with scanty means of subsistence, and with no hope of advancement.

“The senator from South Carolina has presented some views of our augmenting population as true as they are striking. At the commencement of his life and of mine, this country contained three millions of inhabitants, giving a rate of increase which doubles our numbers every twenty-two years. There are those yet living who will live to see our confederacy numbering a population equal to the Chinese empire. This stupendous progress outstrips the imagination. The mind can not keep up with the fact; *it toils after it in vain*. And as we increase in numbers and extend in space, our power of communication is still more augmented. The telegraph has come with its wonderful process to bind still closer the portions of this empire as these recede from its capital. It is the most admirable invention of modern days. We can now answer the sublime interrogatory put to Job: ‘Canst thou send lightnings, that they may go, and say unto thee, Here we are!’ Yes, the coruscations of heaven man has reduced to obedience, and they say unto him, Here we are. It is yet in its infancy, an experiment rather than an arrangement. Who can tell where future improvements may conduct it, or what sway it may hereafter exercise over the social and political condition of the world? what people it may bring together and keep together by the power of instantaneous communication? or how the events of distant nations, told almost to the other side of the globe the very moment of their occurrence, may affect the future destiny of mankind? I have been industriously engaged seventeen days in coming from Detroit to Washington, and the journey between here and Baltimore once cost me two days. We have now a process within our reach by which we can send to California and receive answers from there more than twenty times a day. I shall not pursue these investigations; they are sufficiently obvious in their general bearing, though the practical result of this great measure is beyond the reach of human vision.

“We are at war with Mexico, brought on by her injustice. Before peace is established we have a right to require a reasonable indemnity, either pecuniary or territorial, or both, for the injuries we have sustained. Such a compensation is just in itself, and in strict accordance with the usages of nations. One memorable proof of this has passed in our own times. When the allies

entered Paris after the overthrow of Napoleon, they compelled the French government to pay them an indemnity of 1500,000,000 francs, equal to \$300,000,000. In the condition of Mexico there is no disposition in this country to ask of her an unreasonable sacrifice. On the contrary, the wish is everywhere prevalent, and I am sure the government participate in it, that we should demand less than we are entitled to. No one proposes a rigid standard by which the indemnity shall be measured. But there are certain territorial acquisitions which are important to us, and whose session can not injure Mexico, as she never can hold them permanently. We are willing after settling the indemnity satisfactorily, to pay the excess in money. The senator from South Carolina has stated the proposition very distinctly: 'any excess on our part we are willing to meet, as we ought, by the necessary payment to Mexico.'

"Information received by the President during the last session of Congress, induced him to believe that if an appropriation for this purpose were made, the difficulties between the two countries might soon be terminated by an amicable arrangement. A proposition for that purpose was submitted to us in secret session, debated and approved by this Senate. It was then introduced into the Legislature with open doors, passed the House of Representatives, and came to us. Here it was discussed until the stroke of the clock, when the hand on the dial-plate, pointed to twelve, struck its funeral knell. In his message at the commencement of this Congress, the President renewed his suggestion, and the whole matter is now before us. Such is its history.

"It is now objected to as an immoral proposition, a kind of bribery, either of the government of Mexico or of its commanding General; and the honorable senator from Maryland, who is not now in his seat, said emphatically and solemnly, 'that this project of terminating the war by dismembering a sister republic, is so revolting to my moral sense of propriety, honor, and justice, that I should see my arms palsied by my side rather than agree to it.' The 'dismemberment' of which the honorable gentleman speaks is previously defined by himself. That is the term he gives the acquisition, but I call it purchase. He says the money will go to Santa Anna and pay the army, which will thus be secured, and the poor 'down-trodden' people be transferred to this country 'in

spite of themselves,' in consequence of this 'pouring of gifts into the hands of their tyrants.'

"Now, sir, there is no such proposition, as I understand it, nor anything like it. The object of the President has been distinctly stated by himself. It is to have the money ready, and, if a satisfactory treaty is signed and ratified, then to make a payment into the treasury of Mexico, which will be disposed of by the government of that country agreeably to its own laws. The propositions, both at the last session of Congress and at this, were identical. The difference in the phraseology of the appropriation has been satisfactorily explained by the chairman of the Committee on Foreign Relations, and seems to me of very little consequence. Be that as it may, it is not a subject which can produce of itself any practical difficulty; for if there is any member of the Senate who is willing to vote for the appropriation in the form in which it was presented last year, and is unwilling to vote for it in this, the Committee on Foreign Relations will cheerfully assent to the substitution of the latter for the former. 'The principle is wrong,' says the honorable senator from Maryland; but, in my view, the principle of this appropriation, and of the other appropriation, is precisely the same. And yet the honorable senator from Maryland voted for the former while he reprobates the present, and a number of senators, on the other side of the chamber, voted the last session in the same manner. If the proposition was bribery or unprincipled then, it seems to me it must be so now. Expediency may change with time, but right and wrong undergo no change."

It is but an act of justice to state that the senator from Maryland referred to was not in his seat. General C.'s remarks are here given as they were delivered. The colleague of Mr. Johnson, however, Mr. Pearce, as soon as General Cass had concluded, stated that his colleague had been misunderstood, and that the proposed appropriation of last year, and the appropriation of this year, were so widely different in their phraseology as to render it perfectly consistent to vote for the one and to reject the other. General Cass continued :

"As to the idea that such an arrangement is something like bribery, it seems to me it will not bear the slightest investigation. A strange kind of bribery this! The appropriation called for was preceded by a message from the President to the Senate in secret

session. It was then received in both Houses, and the doors thrown open. It was discussed fully, not to say warmly, and was finally lost by the lapse of time. In secret session thirty-three senators voted for it. It again takes a prominent place in the President's message at the commencement of the present session of Congress. It has been before us between two and three months, and has been borne upon the wings of the wind to the remotest portions of our country. It entered Mexico long ago, and has been proclaimed upon every house-top in town and country. It is known to every citizen of that republic who knows anything of political affairs, whether the blood in his veins is Castilian, or Moorish, or Aztec. It has passed to Europe, and received the condemnation of many of its journals. Had it been approved there, I should doubt its policy or its justice. And, for aught I know, it is traveling along the canals of the Celestial Empire. I repeat, a strange kind of bribery this! That is an offense which does its work in secret; this is a proposition made by one nation to another, in the face of the world. It is not to enable Mexico to carry on the war, as an honorable senator seems to suppose, for it is not to be paid till the war is over."

Mr. MOREHEAD inquired, if the honorable senator considered the present proposition as confining the President, in the disbursement of the money, to the purposes to be specified in the treaty, as the resolution of the last session did?

General CASS said that his understanding of the proposition was, that the money was not to be paid until a treaty was agreed upon. The payment was not to precede the treaty, but to follow it.

Mr. WEBSTER, (rising.)—Will the honorable senator allow me—

Mr. CASS.—I will hear you with pleasure, but I can not answer any more questions. I have said that no money is to be paid until a treaty is ratified.

Mr. WEBSTER.—I was merely going to remark that this is the very turning point.

Mr. CASS.—I will sit down and hear the honorable senator, but he must not ask me any questions. If he does, I shall not answer them till I have concluded my remarks.

Mr. WEBSTER resumed his seat.

General C. continued:

"The whole proposition results from the peculiar condition of

Mexico. Her government is ephemeral. Its members are born in the morning and die in the evening. Administrations succeed one another, like the scenes of a theater rather than the events of life, and still less of events in the life of a nation. The rulers do not dare to do justice in such a case as this. It might cost them their places, to which they hold on as tenaciously as though their tenure was a secure one. There is a strong excitement in that country against us. Nothing shows this more distinctly than the scene which lately passed there, when their President swore that the nation would never yield one inch of its territory, nor make peace with the invader, till his foot was off its soil. A dangerous resolution to be thus publicly proclaimed, and one more easily proclaimed than kept! The sublime and the ridiculous may so easily touch, that nations should be chary of such exhibitions, which may belong to the domain of the one or of the other, as subsequent circumstances stamp their character. Whatever judgment, however, history may pronounce upon this ceremony in Mexico, it is significant enough of the disposition of the people towards us. Hence the difficulty of the government is increased, and hence the necessity of their strengthening themselves. Their revenues are drying up. They are always in debt in all their departments, civil and military. By a prompt payment into their treasury upon the ratification of the treaty, the government will be enabled to satisfy the most pressing demands, and thus to do an act of justice at home which will counteract any ill effects of an act of justice abroad. And this is the very point of the whole matter. We may thus tempt them to do right, while so many other strong circumstances tempt them to do wrong. As to the application of this money after it reaches the treasury of Mexico, it is no question of ours, any more than was the application of the consideration money paid to France and Spain for the purchase of Louisiana and of Florida. We can not follow it, and it must take its fate with the other resources of the country. It has one advantage, however, and that is its publicity. If the silver and gold were carried by wagons to the palace of the government, the transaction could have no more publicity than it has now; and this throws upon the authorities a much graver responsibility than do the ordinary payments, and one less likely to be abused. If all this is bribery, I am fully prepared to take my share in the

guilt of it. If it is bribery, let the honest governments of Europe make the most of it.

“As to the comparison, instituted by the honorable senator from Maryland, between this act and an attempt of the Mexican government to bribe General Taylor, it certainly gives me very little trouble. We have nothing to do with Santa Anna as the general of an army; we deal with the government of Mexico. The very authority that makes the treaty is the authority to which the payment is to be made. If General Taylor were the American government, and had power to cede away a portion of the American territory, the analogy would then exist in fact, as it now exists but in fancy. And this obvious consideration answers all the objections presented by the senator, when he expresses such an apprehension that the money would slip from our fingers before we secured a consideration. Not a dollar is to be paid till the treaty is ratified, and the country thus made ours.

“Passing now, sir, from the consideration of this subject to the course before us, I would observe that there are but three plans of operation by which we can escape from the difficulties of our position.

“The first is an abandonment of the war, and an inglorious return to our own country.

“The second is the establishment of a line over such a portion of the enemy’s territory as we think proper, and holding the country on this side of it without any further military operations.

“The third is a vigorous prosecution of the war, agreeably to the public expectation and the experience of the world.

“As to the first, sir, I do not place it in the category of things possible, but only in the category of things proposed; and I cast it from me with contempt.

“The second, sir, is a very different proposition, supported by high names, civil and military, and was yesterday presented to us, with great power of argument and beauty of illustration, by the distinguished senator from South Carolina. I shall state, as succinctly as I can, the reasons which induce me to consider this as an inexpedient, not to say an impossible, proposition.

“A plan of operations seeking to hold a portion of a country, properly guarded by fortresses, and furnished with the necessary lines of communication, and seeking to do this without publicly announcing the nature of the plan, and the determination to

adhere to it, is one thing; an attempt to occupy another portion of country, open, unfortified, with no natural boundaries, and penetrable in all directions, and publicly proclaiming this system as an invariable one, not to be departed from, is another, and quite a different thing. From the Gulf of Mexico, following the boundaries of the provinces now in our possession, to the Pacific ocean, is but little short of two thousand miles. Far the greater portion of it is open, and much of it unoccupied. Instead of any lines of communication, natural or artificial, where it must necessarily be crossed, it may be crossed anywhere. It is a mere paper line—a descriptive one. For hundreds of miles on each side of a great part of the line, the country is the same; roamed over rather than possessed by nomadic tribes, and affording subsistence and shelter to the beasts of the earth. If you assume such a boundary, you necessarily place yourself upon the defensive. You must establish troops along it, and these must be scattered, occupying different positions. Your enemy thus acts in masses, while you act in detachments. If he attack you, and succeed, you are destroyed. If he attack you, and is discomfited, he falls back behind his impenetrable barrier. A snake, clutched by an eagle, is one of the emblems of the armorial bearings of Mexico. If this plan of fighting to an air line is adopted, the proud bird will soon be powerless, and the reptile will coil itself up to strike at its leisure and its pleasure. In such a state of offensive-defensive warfare, the enemy chooses his time, when you least expect him, or are least able to resist him. He gains your rear, and cuts off your convoys and supplies, and thus reduces you to weakness and distress; or he strikes you in a period of sickness, in a climate to which you are unaccustomed, and whose alternations do not affect him. You can not pursue him into his country, for the moment you do that you confess the folly of your plan, and abandon it forever. If you cross your boundary, you must cross it to hold on, and then you have a new boundary, or, in other words, a system of unlimited operations. If you do not cross to hold on, what will you do? Your very object in crossing is to chastise the enemy, and you must pursue him to his fortresses and capture them, if he has any; or you must fight him in the open field and disperse him. I repeat, if you do not do this, you may as well stop at your boundary, look civilly at the retiring enemy, take off

your hats and say, Good-bye, gentlemen, we will wait till you come back again. The riches of Cræsus would melt away before such a system of fighting-no-fighting ; the laurels of Napoleon would wither and die ; no exchequer could bear the expense ; no public sentiment the dishonor. There is but one such campaign, sir, recorded in all history, ancient or modern, sacred or profane, true or fabulous, and that is the campaign of Sisyphus. It was an eternal one. Sanction the plan proposed, and yours will be eternal, too. This stone will never be rolled to the top of the mountain. It would be a never-ending, ever-renewing war. The distinguished senator from South Carolina thinks that four regiments and three fortresses along this line, and one regiment and a few small vessels for California, 'would be ample for its defense.' The line, as described by himself, is this : 'Beginning at the mouth of the Rio del Norte and continuing up the Paso del Norte, or southern boundary of New Mexico, which nearly coincide, and then due west to the Gulf of California, striking it, according to the maps before us, nearly at its head.'

"Here, sir, is a line across the continent from the Gulf of Mexico to the Gulf of California ; and this line is to be so protected by five regiments, three fortresses and a few small vessels, as to be impervious to the rancheros and other light troops of Mexico—the best and most indefatigable horsemen, perhaps, in the world. I have enumerated in these means of defense, a few small vessels, because they form part of the *projet* of the honorable senator. How they are to be employed in defending any part of the line, as I do not understand, I will not attempt to explain. If the soldiers were stationed equidistant upon this boundary they would probably be a mile apart. It seems to me, sir,—and I say it with all respect—that we might as well attempt to blockade the coast of Europe by stationing a ship in the middle of the Atlantic. As to the Rio Grande, it is no defensive line at all. Rivers, when best guarded, are found to afford very insufficient protection. But in the great country south and west of us, yet in a state of nature, or slowly emerging from it, streams are entitled to very little consideration in defensive operations. Who is there that has passed his life in the West, and has not crossed them a hundred times by swimming, in canoes, upon logs, upon rafts, and upon horses ? Is it to be supposed that an active Mexican, accustomed to the woods

from his infancy, would hesitate to dash into a stream and cross it almost as readily as if it were unbroken ground?

“But long defensive lines, even when skillfully constructed and carefully guarded, are but feeble *barriers* against courage and enterprise. How long did the Roman wall keep the North Britons out of England? How long did the Grecian wall of the Lower Empire keep the Turks out of Constantinople, and the horse-tails of their pashas from the cathedral of Saint Sophia? And the Chinese wall—an immense labor of man—that, too, opened to the Tartars, and enabled the chief of roving bands to ascend the oldest throne in the world. The best wall a country can have is the breasts of its citizens, free, prosperous and united.”

General Cass proceeded to say that he did not go for strengthening the war power because he wished to have men killed or wounded; but to enable it to *conquer a peace* in the shortest space of time practicable. This was the publicly-proclaimed policy of the administration. It was no secret.

The object of the proposed appropriation was to put peace, if it could be honorably obtained, at the disposal of the President. The amount of treasure already expended by the United States reached a large figure. The Mexican government, it was well known, was impoverished, and its finances at a low ebb. It was apparent, hence, to the most superficial observer, that if a negotiation was at any time opened, its continuance would be unproductive of results unless some inducement, other than a cessation of hostilities, could be presented to the Mexican authorities. As the Mexican treasury was notoriously bankrupt, the President and his confidential advisers—and no occupant of the Executive chair ever had abler—were well satisfied that territory would constitute the indemnity, and that if the bones of the Mexican troops bleached upon all the hills and valleys, and every Mexican fortress was taken, still there would be no formal, authoritative peace, unless the Mexican coffers were, at least, partially replenished. To be prepared for such an emergency was the sole object of this measure. But, if new territory was acquired by treaty in these southern latitudes, the opposition party in Congress wished to bar the door, in advance, to the further extension of slavery. That question, and all other questions emanating from this domestic institution—is peculiarly dear to the southern members of this

confederacy of States—the administration and its friends in the two Houses of Congress desired; for the present, to ignore. This was the apple of discord, and pertinaciously thrown into all the debates. General Cass deprecated it. He viewed the honor of his country as paramount. When peace prevailed along the borders of the Republic, he would meet this question of extension and act as justice and patriotism might dictate. He did not even stoop to mention the topic, much less to discuss it, but confined his remarks to the immediate subject under consideration. We take another extract:

“So much for the difficulties; now for the results. Let me remark, in the first instance, sir, that not a movement, as I understand, relating to operations on the northeast frontier of Mexico, has been directed from the seat of government, which has not met the approbation of the distinguished officer who has connected his own name with the history of his country by his victories in the valley of the Rio Grande. So much is due to himself and the administration. His own movements he was free to direct and control. Immediately after the declaration of war, he was requested to communicate to the government his views as to what should be the future operations on the Rio Grande, and the movement he proposed to make before the rainy season.

“General Taylor, in answer, stated very clearly the nature of the operations which should take place, and the difficulties attending them, resulting principally from deficient means of transportation, and from a want of *breadstuffs*. Considering the distance from Camargo to Mexico, and the nature of the country, and its want of resources, he looked upon that line of operations as an impracticable one. He was, therefore, of opinion that operations upon that frontier should be confined to cutting off the northern provinces, and, in that point of view, he thought the expedition to Chihuahua of great importance. He says he has abstained from any reference to movements against Tampico or Vera Cruz, because the yellow fever would not have permitted us to hold either, and he deemed it best to undertake no movement in that direction, at that season of the year. He proposed the taking of Tampico when the season should favor, which would not be until November or December. So far as I have been permitted to see the correspondence, I find nothing which controls the discretion of General

Taylor. Views are indicated and suggestions made, and very properly made ; but he is left to act as his own judgment indicates, in the operations intrusted to him. And it is but an act of justice, sir, to say, that the instructions of the War Department are prepared with ability and a wise forecast, creditable to the officer at the head of it. They will bear the test of the severest scrutiny.

“Three columns then, sir, moved upon Mexico. One under General Taylor, invading its north-eastern frontier ; another under General Wool, striking at the provinces higher up the Rio Grande, and in communication with the preceding column, and subject to the order of General Taylor ; and a third entered New Mexico and took possession of its capital, Santa Fe. It thence moved on, through California to the Pacific, where it has no doubt arrived ere this time, and where it will eventually put itself in communication with the regiment sent by sea from New York, when the whole force will unite and occupy the commanding points of the country. Our flag now waves upon the shores of the Pacific as well as upon those of the Atlantic ; and from the Gulf of Mexico to the Gulf of California, a distance, following the boundary of our possessions, of almost two thousand miles, we have overrun and occupied the enemy’s territory. I have caused an estimate — rather a vague one, indeed — to be made of the extent of country belonging to Mexico which we hold, and I am informed it exceeds six hundred thousand square miles, while the portion yet subject to the Mexican government contains but about four hundred thousand square miles ; and the population of the region possessed by us amounts to at least one million of inhabitants. In the mean time, three splendid victories have been gained, and the Mexican coast blockaded and almost hermetically sealed ; and we are yet in the ninth month of the war. I shall not stop, sir, to speak of the results in terms of eulogy. They need no such tribute from me ; they speak for themselves, and appeal to the head and heart of every American, in justification of the conduct of the government of his country, and the armies sent out to maintain her honor. Looking at the distance and the difficulties of the operations, to do this required energy.”

General Cass was in favor of a vigorous prosecution of the war. In his judgment, that was the course to pursue to save the

shedding of blood and the loss of treasure, and to bring the war to a speedy and successful result. Subsequent events showed that he was right. It was known that the administration consulted him, in advance, relative to the measures to be brought forward, and consequently his action was at all times regarded with interest. He was equal to the emergency; and both in the committee rooms and on the floor of the Senate his suggestions were heeded, and, in the main, followed by the two Houses.

CHAPTER XXXV.

The Prospect of Peace — The Three Million Bill again — Wilmot Proviso again — General Cass on the Proviso — Peace with Mexico — The Nicholson Letter — Its Effect on Public Opinion.

With the success of the war, and as it became more and more evident that a *peace would be conquered*, members of both Houses of Congress, and of both the Whig and Democratic parties, who could not brook the idea of an extension of the area of slave territory, became more and more importunate to close the door to such extension by legislation. Hence, whenever there was a war or peace bill up for consideration, every effort was made to embarrass action, by urging the adoption of some such principle as that contained in Mr. Wilmot's proviso. It was evident enough, that more territory would be obtained upon the conclusion of peace. The chances that such additional territory would be adopted to slave labor increased, and finally resolutions were, from time to time, offered, declaratory of future legislation upon this subject.

At the thirtieth Congress, in the winter of 1847, in pursuance of the President's recommendation, a bill was introduced appropriating three millions of dollars to enable him to enter into negotiations for the restoration of peace with Mexico. Mr. Webster moved the *proviso* as an amendment—in other words, if such negotiation resulted in the cession of more territory from Mexico, it should forever remain free from slavery. The issue presented was war or the proviso, or an inglorious peace or the proviso. It was war or the proviso, because southern members would not vote for the bill with the proviso as a rider to it. It was an inglorious peace or the proviso, because northern members would not vote for the bill without the proviso. Without the money, it was apparent the government could not prevail upon Santa Anna to come to an amicable treaty, for his people would not sustain him. He would continue to fight, and hold his ground somewhere in Mexico. In that event, it would be necessary for the United

States to maintain, at great cost and loss of life from disease and battle, a large army in that distant country, or, withdrawing the troops, relinquish everything. By having the means at its disposal to replenish Santa Anna's impoverished treasury, our government could not only adjust the line of boundary, but be re-imbursed its war expenditures. The provisoists and the anti-provisoists were willing to vote the money asked for; and probably, it is true to say, that both desired to bring the war to an honorable termination. But the question of extending the area of slavery, or confining it within its then present limits, was paramount to all other considerations. General Cass, from his youth up to manhood, and to the age of three score and upwards, never had been an admirer of slavery; yet, he knew too well the rights of those States where it existed, and the advantages, resulting from the Union, to those States where it did not exist, ever to favor any agitation of the subject in the halls of Congress. It was a subject to be canvassed by the States themselves, where the institution of slavery existed. They were the sole judges of what it was their interest to do. Such was the doctrine of Mr. Jefferson—such was the doctrine of General Jackson. *The federal Union—it must be preserved*, was the controlling policy of both these distinguished men; and having all along subscribed to it, General Cass was content to continue it.

But now this embarrassing subject assumed a wider scope. The application of the dominant policy to new territory—acquired by common effort, common treasure, and in a contest where the blood of all sections of the Union had been shed—now was to be met and disposed of. Abstractedly considered, no northern man wished to propagate slavery, and General Cass was among the number. He would vote against its introduction into Michigan, if proposed. He would vote against its introduction into any territory, if an inhabitant of such territory. But he did not feel himself called upon to vote for others upon this subject. It was a State institution. So it had been always treated in the United States; so he proposed to treat it thereafter. The people, in their sovereign capacity, who should go to the new lands acquired from Mexico, and inhabit it,—to them he would willingly leave all legislation upon this vexed subject. These views he had expressed in August, 1846, to various persons, in his private conversation. In March, 1847, they had undergone no change.

The three million bill was before the Senate, and Mr. Webster's amendment. From the feelings manifested by a large number of the members of Congress, he believed that the adoption of the proviso would be detrimental to the honorable prosecution of the war : and, it also appeared to him, that the whole question of the prosecution of the war depended upon the decision in regard to the proviso. The choice presented was, the proviso or the war. If the former should be adopted, there would be an inglorious termination of the war. The honor of the United States was at stake. He felt the responsibility of his position. He believed that public servants would be held to a strict accountability, who, at so eventful a crisis, should sacrifice that honor for the establishment of a principle inopportune and inapplicable to the important subject under consideration. He was satisfied, likewise, that public opinion indicated a conviction in the minds of the people, that then was not the time for the agitation of a question involving the contingency of a domestic dispute : a question, at any rate, of enough importance of itself, under any circumstances, to receive the most mature deliberation of Congress. Six out of eight State Legislatures, which had presented their views to Congress on the subject of the acquisition of Mexican territory, and the extension of slavery, had refrained from urging upon Congress the adoption of the proviso. In a speech of weighty argument, General Cass laid before the Senate his views on this question, March 10th, 1847, which he closed with the following declaration of what would be his action upon it.

"I shall vote against this proviso, because :

"1. The present is no proper time for the introduction into the country, and into Congress, of an exciting topic, tending to divide us, when our united exertions are necessary to prosecute the existing war.

"2. It will be quite in season to provide for the government of territory, not yet acquired from foreign countries, after we shall have obtained it.

"3. The proviso can only apply to British and Mexican territories, as there are no others coterminous to us. Its phraseology would reach either, though its application is pointed to Mexico. It seems to me, that to express so much confidence in the successful result of this war, as to legislate at this time, if not *over* this anticipated acquisition, at least *for* it, and to lay down a partial

basis for its government, would do us no good in the eyes of the world, and would irritate, still more, the Mexican people.

“4. Legislation now would be wholly inoperative, because no territory, hereafter to be acquired, can be governed without an act of Congress providing for its government. And such an act, on its passage, would open the whole subject, and would leave the Congress, called upon to pass it, free to exercise its own discretion, entirely uncontrolled by any declaration found on the statute book.

“5. There is great reason to think that the adoption of this proviso would, in all probability, bring the war to an untimely issue, by the effect it would have on future operations.

“6. Its passage would certainly prevent the acquisition of one foot of territory; thus defeating a measure called for by a vast majority of the American people, and defeating it, too, by the very act purporting to establish a partial basis for its government.

“The progress of public opinion upon the question of the adoption of this proviso, as the circumstances of the country have become more and more difficult, seems to me to indicate very clearly, that since its introduction at the past session of Congress, the conviction has been gaining ground that the present is no time for the agitation of this subject; and as the foreign war becomes more embarrassing, in a greater degree than many anticipated, it is best to avoid a domestic dispute, which would raise bitter questions at home, and add confidence to the motives for resistance abroad. And certainly the fact now ascertained, that the war would be put to hazard, and the acquisition of territory defeated, by the adoption of this proviso, renders it impossible for me to vote for it, connected, as I deem both of these objects, with the dearest rights and honor of the country.

“I have examined the resolutions which have been presented to Congress by the Legislatures of eight of the States upon this subject, and I find that this proviso is a measure perhaps not called for by any of them, certainly not by six of them, and that its simple adoption at this time will leave unattained the permanent objects sought by all of them. The views expressed are as follows:

“By the Legislature of Vermont, against ‘the admission into the Federal Union, of any new State whose constitution tolerates slavery,’ &c.

“By the Legislature of New Hampshire, that measures should be taken for the extinction of slavery ‘in the District of Columbia; for its exclusion from Oregon and other territories, that now, or at any time hereafter, may belong to the United States.’

“By the Legislature of Rhode Island, ‘against the acquisition of territory by conquest or otherwise, beyond the present limits of the United States, for the purpose of establishing therein slaveholding States,’ &c.

“By the Legislature of New York, ‘that if any territory is hereafter acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision, whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.’

“By the Legislature of New Jersey, ‘that the senators, &c., be requested to use their best efforts to secure as a fundamental provision to, or proviso in, any act of annexation of any territory hereafter to be acquired by the United States, &c., that slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory to be annexed.’

“By the Legislature of Pennsylvania, ‘against any measure whatever, by which territory will accrue to the Union, unless as a part of the fundamental law, upon which any compact or treaty for this purpose is based, slavery or involuntary servitude, except for crime, shall be forever excluded.’

“By the Legislature of Ohio, for ‘the passage of measures in that body, (Congress,) providing for the exclusion of slavery from the territory of Oregon, and also from any other territory that now is, or hereafter may be, annexed to the United States.’

“By the Legislature of Michigan, ‘that in the acquisition of any new territory, whether by purchase, conquest, or otherwise, we deem it the duty of the general government to extend over the same the ordinance of 1787, with all its rights and privileges, conditions and immunities.’

“Now, sir, it is obvious that these resolutions, either by their phraseology or by their object, look to some permanent ‘*provision*,’ ‘*fundamental law*,’ ‘*article*,’ or ‘*condition*,’ by which slavery should be forever excluded from the territory in question. Six of them very clearly so. Two of them, however—those of New

Hampshire and Ohio—are more general, and this proviso would perhaps meet their requisitions. But certain it is, that if adopted to-day, it could be repealed to-morrow, and that it is destitute of any characteristic of permanence. It might leave as little durable impression upon the statute book as writing upon water, which disappears the moment it is traced there.”

This bold, manly, and patriotic stand taken by General Cass, at a critical moment in the progress of the Mexican war, and when he could not have divined what would be the final sentiment either north or south, east or west, commends itself to the grateful remembrance of his countrymen. His positions were broad, independent, and unqualified. His country's cause, his nation's honor, the rights of his fellow-citizens of every condition and clime, are the principles he asserts, the ground he occupied. His views of government were liberal, progressive, and thoroughly Democratic. They were in accordance with the political professions of his entire life. The Democratic press approved—Democrats in conventions in every quarter of the country approved. This declaration was the administration platform upon this subject. It was the talisman that aroused and guided the Democracy of the Union.

But the war was finally brought to a close. Peace once more reigned in the ascendant. An immense region of country was, sure enough, to be taken from the republic of Mexico, and annexed to the United States. The standard of our country waved in triumph in the halls of the Montezumas, and, ere long, was destined to cover the coasts of the Pacific, and the mountains and valleys far back in the interior. The cry of No more slave territory! now rung louder than ever. The demands of the north were renewed, when Congress convened in December, 1847. The southern blood was, also, up. The leading men of the country were interrogated, publicly and privately, as to their views and future action. And all this was proper. It was right that the subject of the extension of slavery should be canvassed, and its disturbing elements, if possible, settled; the good of the entire Union required this. Upon what principle the new territory should be treated; upon what basis its local government should be constructed; and how, and by whom, it should be determined—these were questions demanding the calmest consideration, and the brightest and most patriotic minds, to solve.

In some quarters, the principle of the Wilmot Proviso was regarded as dangerous to the immediate interests of a portion of the people of the United States, and its proposed application subversive of their rights as citizens of the confederacy. An expression of opinion from the eminent men of the nation was solicited. A. O. P. Nicholson—a distinguished citizen of Tennessee—had requested the views of General Cass, in a private letter, and they had been freely given. They were so clearly expressed, and so comprehensive—covering the whole subject—that, at the urgent request of a number of leading members of Congress, who had heard of the letter, General Cass consented to its publication.

This letter of General Cass has been so often referred to, and commented upon, from the day of its publication to the present time; it has become celebrated far and wide, both in this country and Europe; and it is an important document to all who wish to understand the views of its distinguished author, as expressed by himself, on the momentous question which it discusses, it is here transcribed from the original.

“WASHINGTON, December 24th, 1847.

ACQUISITION OF MEXICAN TERRITORY — INDEMNITY. — “*Dear Sir* :—I have received your letter, and shall answer it as frankly as it is written.

“You ask me whether I am in favor of the acquisition of Mexican territory, and what are my sentiments with regard to the Wilmot Proviso?

“I have so often and so explicitly stated my views of this first question, in the Senate, that it seems almost unnecessary to repeat them here. As you request it, however, I shall briefly give them.

“I think, then, that no peace should be granted to Mexico till a reasonable indemnity is obtained for the injuries she has done us. The territorial extent of this indemnity is, in the first instance, as subject of Executive consideration. There the Constitution has placed it, and there I am willing to leave it; not only because I have full confidence in its judicious exercise, but because, in the ever-varying circumstances of war, it would be indiscreet, by a public declaration, to commit the country to any line of indemnity, which might otherwise be enlarged, as the obstinate injustice of the enemy prolongs the contest, with its loss of blood and treasure.

“It appears to me, that the kind of metaphysical magnanimity which would reject all indemnity at the close of a bloody and expensive war, brought on by a direct attack upon our troops by the enemy, and preceded by a succession of unjust acts for a series of years, is as unworthy of the age in which we live, as it is revolting to the common sense and practice of mankind. It would conduce but little to our future security, or indeed to our present reputation, to declare that we repudiate all expectation of compensation from the Mexican government, and are fighting, not for any practical result, but for some vague, perhaps philanthropic object, which escapes my penetration, and must be defined by those who assume this new principle of national intercommunication. All wars are to be deprecated, as well by the statesman as by the philanthropist. They are great evils; but there are greater evils than these, and submission to injustice is among them. The nation which should refuse to defend its rights and its honor, when assailed, would soon have neither to defend; and when driven to war, it is not by professions of disinterestedness and declarations of magnanimity that its rational objects can be obtained, or other nations taught a lesson of forbearance—the strongest security for permanent peace. We are at war with Mexico, and its vigorous prosecution is the surest means of its speedy termination, and ample indemnity the surest guarantee against the recurrence of such injustice as provoked it.

THE WILMOT PROVISIO.—“The Wilmot Proviso has been before the country some time. It has been repeatedly discussed in Congress, and by the public press. I am strongly impressed with the opinion that a great change has been going on in the public mind upon this subject—in my own as well as others; and that doubts are resolving themselves into convictions, that the principle it involves should be kept out of the national Legislature, and left to the people of the confederacy in their respective local governments.

“The whole subject is a comprehensive one, and fruitful of important consequences. It would be ill-timed to discuss it here. I shall not assume that responsible task, but shall confine myself to such general views as are necessary to the fair exhibition of my opinions.

STATE POWER OVER SLAVERY.—“We may well regret the existence of slavery in the southern States, and wish they had been

saved from its introduction. But there it is, and not by the act of the present generation ; and we must deal with it as a great practical question, involving the most momentous consequences. We have neither the right nor the power to touch it where it exists ; and if we had both, their exercise, by any means heretofore suggested, might lead to results which no wise man would willingly encounter, and which no good man could contemplate without anxiety.

“The theory of our government presupposes that its various members have reserved to themselves the regulation of all subjects relating to what may be termed their internal police. They are sovereign within their boundaries, except in those cases where they have surrendered to the general government a portion of their rights in order to give effect to the objects of the Union, whether these concern foreign nations or the several States themselves. Local institutions, if I may so speak, whether they have reference to slavery or to any other relations, domestic or public, are left to local authority, either original or derivative. Congress has no right to say that there shall be slavery in New York, or that there shall be no slavery in Georgia: nor is there any human power but the people of those States respectively, which can change the relations existing therein ; and they can say, if they will, We will have slavery in the former, and we will abolish it in the latter.

TERRITORIAL POWER.—“In various respects, the Territories differ from the States. Some of their rights are inchoate, and they do not possess the peculiar attributes of sovereignty. Their relation to the general government is very imperfectly defined by the Constitution, and it will be found upon examination, that in that instrument the only grant of power concerning them, is conveyed in the phrase, ‘ Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.’ Certainly this phraseology is very loose, if it were designed to include in the grant the whole power of legislation over persons as well as things. The expression, the ‘ territory and other property,’ fairly construed, relates to the public lands, as such, to arsenals, dock-yards, forts, ships, and all the various kinds of property which the United States may and must possess.

“But surely the simple authority, to *dispose of and regulate*

these, does not extend to the unlimited power of legislation; to the passage of all laws, in the most general acceptation of the word, which, by the by, is carefully excluded from the sentence. And, indeed, if this were so, it would render unnecessary another provision of the constitution, which grants to Congress the power to legislate, with the consent of the States, respectively, over all places purchased for the 'erection of forts, magazines, arsenals, dock-yards,' &c. These being the 'property' of the United States, if the power to make 'needful rules and regulations concerning' them includes the general power of legislation, then the grant of authority to regulate 'the territory and other property of the United States' is unlimited wherever subjects are found for its operation, and its exercise needed no auxiliary provision. If, on the other hand, it does not include such power of legislation over the 'other property' of the United States, then it does not include it over their 'territory'; for the same terms which grant the one, grant the other. 'Territory' is here classed with property, and treated as such; and the object was evidently to enable the general government, as a property holder—which, from necessity, it must be—to manage, preserve and 'dispose of' such property as it might possess, and which authority is essential almost to its being. But the lives and persons of our citizens, with the vast variety of objects connected with them, can not be controlled by an authority which is merely called into existence for the purpose of *making rules and regulations for the disposition and management of property.*

TERRITORIAL GOVERNMENTS.—“Such, it appears to me, would be the construction put upon this provision of the Constitution, were this question now first presented for consideration, and not controlled by imperious circumstances. The original ordinance of the Congress of the Confederation passed in 1787, and which was the only act upon this subject in force at the adoption of the Constitution, provided a complete frame of government for the country north of the Ohio while in a territorial condition, and for its eventual admission in separate States into the Union. And the persuasion that this ordinance contained within itself all the necessary means of execution, probably prevented any direct reference to the subject in the Constitution, farther than vesting in Congress the right to admit the States formed under it into the Union. However, circumstances arose which required legislation, as well over

the territory north of the Ohio as over other territory, both within and without the original Union ceded to the general government; and at various times a more enlarged power has been exercised over the territories—meaning thereby the different territorial governments—than is conveyed by the limited grant referred to. How far an existing necessity may have operated in producing this legislation, and thus extending by rather a violent implication powers not directly given, I know not. But certain it is that the principle of interference should not be carried beyond the necessary implication which produces it. It should be limited to the creation of proper governments for new countries acquired or settled, and to the necessary provision for their eventual admission into the Union; leaving, in the meantime, the people inhabiting them to regulate their internal concerns in their own way. They are just as capable of doing so as the people of the States; and they can do so, at any rate, as soon as their political independence is recognized by admission into the Union. During this temporary condition, it is hardly expedient to call into exercise a doubtful and invidious authority, which questions the intelligence of a respectable portion of our citizens, and whose limitation, whatever it may be, will be rapidly approaching its termination—an authority which would give to Congress despotic power, uncontrolled by the Constitution, over most important sections of our common country. For, if the relation of master and servant may be regulated or annihilated by its legislation, so may the relation of husband and wife, parent and child, and of any other condition which our institutions and the habits of our society recognize. What would be thought, if Congress should undertake to prescribe the terms of marriage in New York, or to regulate the authority of parents over their children in Pennsylvania? And yet it would be as vain to seek one justifying the interference of the National Legislature in the cases referred to in the original States of the Union. I speak here of the inherent power of Congress, and do not touch the question of such contracts as may be formed with new States when admitted into the Confederacy.

SECTIONAL QUESTIONS.—“Of all the questions that can agitate us, those which are merely sectional in their character are the most dangerous, and the most to be deprecated. The warning voice of him who from his character and services and virtue had the best right to warn us, proclaimed to his countrymen in his farewell

address—that monument of wisdom for him, as I hope it will be of safety for them—how much we had to apprehend from measures peculiarly affecting geographical portions of our country. The grave circumstances in which we are now placed, make those words of safety; for I am satisfied, from all I have seen and heard here, that a successful attempt to ingraft the principles of the Wilmot proviso upon the legislation of this government, and to apply them to new territory, should new territory be acquired, would seriously affect our tranquillity. I do not suffer myself to foresee or to foretell the consequences that would ensue, for I trust and believe there is good sense and good feeling enough in the country to avoid them, by avoiding all occasions which might lead to them.

THE REASONS FOR LEAVING TO THE PEOPLE OF THE TERRITORY THE RIGHTS OF LEGISLATION.—“ Briefly, then, I am opposed to the exercise of any jurisdiction by Congress over this matter, and I am in favor of leaving to the people of any territory which may be hereafter acquired, the right to regulate it for themselves under the general principles of the Constitution. Because—

“1. I do not see in the Constitution any grant of the requisite power to Congress; and I am not disposed to extend a doubtful precedent beyond its necessity,—the establishment of territorial governments when needed,—leaving to the inhabitants all the rights compatible with the relations they bear to the Confederation.

“2. Because I believe this measure, if adopted, would weaken, if not impair, the union of the States, and would sow the seeds of future discord, which would grow up and ripen into an abundant harvest of calamity.

“3. Because I believe a general conviction that such a proposition would succeed, would lead to an immediate withholding of the supplies, and thus to a dishonorable termination of the war. I think no dispassionate observer at the seat of government can doubt this result.

“4. If, however, in this I am under a misapprehension, I am under none in the practical operation of this restriction, if adopted by Congress, upon a treaty of peace making acquisition of Mexican territory. Such a treaty would be rejected, just as certainly as presented to the Senate. More than one-third of that body would vote against it, viewing such a principle as an exclusion of the citizens of the slave-holding States from a participation in the benefits

acquired by the treasure and exertions of all, and which should be common to all. I am repeating—neither advancing nor defending these views. That branch of the subject does not lie in my way, and I shall not turn aside to seek it.

“In this aspect of the matter, the people of the United States must choose between this restriction and the extension of their territorial limits. They can not have both; and which they will surrender must depend upon their representatives first, and then, if these fail them, upon themselves.

“5. But after all, it seems to be generally conceded that this restriction, if carried into effect, could not operate upon any State to be formed from newly-acquired territory. The well known attributes of sovereignty, recognized by us as belonging to the State governments, would sweep before them any such barrier, and would leave the people to express and exert their will at pleasure. Is the object, then, of temporary exclusion for so short a period as the duration of the territorial government, worth the price at which it would be purchased?—worth the discord it would engender, the trial to which it would expose our Union, and the evils that would be the certain consequence, let that trial result as it might? As to the course which has been intimated rather than proposed, of ingrafting such a restriction upon any treaty of acquisition, I persuade myself it would find but little favor in any portion of this country. Such an arrangement would render Mexico a party; having a right to interfere in our internal institutions in questions left by the Constitution to the State governments, and would inflict a serious blow upon our fundamental principles. Few, indeed, I trust, there are among us who would thus grant to a foreign power the right to inquire into the constitution and conduct of the sovereign States of this Union; and if there are any, I am not among them and never shall be. To the people of this country, under God, now and hereafter are its destinies committed; and we want no foreign power to interrogate us, treaty in hand, and to say, Why have you done this, or why have you left that undone? Our own dignity and the principle of national independence unite to repel such a proposition.

DIFFERENCE BETWEEN INCREASE AND DIFFUSION OF SLAVERY.—

“But there is another important consideration, which ought not to be lost sight of, in the investigation of this subject. The question that presents itself, is not a question of the increase, but

of the diffusion of slavery. Whether its sphere be stationary or progressive, its amount will be the same. The rejection of this restriction will not add one to the class of servitude, nor will its adoption give freedom to a single being who is now placed therein. The same numbers will be spread over greater territory; and so far as compression, with less abundance of the necessaries of life, is an evil, so far will that evil be mitigated by transporting slaves to a new country, and giving them a larger space to occupy.

THE IMPROBABILITY OF SLAVERY GOING TO THE CALIFORNIAS AND NEW MEXICO.—“I say this in the event of the extension of slavery over any new acquisition. But can it go there? This may well be doubted. All the descriptions which reach us of the condition of the Californias and of New Mexico, to the acquisition of which our efforts seem at present directed, unite in representing those countries as agricultural regions, similar in their products to our middle States, and generally unfit for the production of the great staples which can alone render slave labor valuable. If we are not grossly deceived—and it is difficult to conceive how we can be—the inhabitants of those regions, whether they depend upon their plows or their herds, can not be slaveholders. Involuntary labor, requiring the investment of large capital, can only be profitable when employed in the production of a few favored articles, confined by nature to special districts, and paying larger returns than the usual agricultural products spread over more considerable portions of the earth.

“In the able letter of Mr. Buchanan upon this subject, not long since given to the public, he presents similar considerations with great force. ‘Neither,’ says this distinguished writer, ‘the soil, the climate, nor the productions of California, south of $36^{\circ} 30'$, nor indeed of any portion of it, north or south, is adapted to slave labor; and besides, every facility would be there afforded for the slave to escape from his master. Such property would be entirely insecure in any part of California. It is morally impossible, therefore, that a majority of the emigrants to that portion of the territory south of $36^{\circ} 30'$, which will be chiefly composed of our own citizens, will ever re-establish slavery within its limits.

“In regard to New Mexico, east of the Rio Grande, the question has already been settled by the admission of Texas into the Union.

“Should we acquire territory beyond the Rio Grande, and east of the Rocky Mountains, it is still more impossible that a majority of the people would consent to *re-establish* slavery. They are themselves a colored population, and among them the negro does not belong socially to a degraded race.’

“With this last remark Mr. Walker fully coincides, in his letter written in 1844 upon the annexation of Texas, and which everywhere produced so favorable an impression upon the public mind, as to have conduced very materially to the accomplishment of that great measure. ‘Beyond the Del Norte,’ says Mr. Walker, ‘slavery will not pass; not only because it is forbidden by law, but because the colored race there preponderates in the ratio of ten to one over the whites; and holding, as they do, the government and most of the offices in their possession, they will not permit the enslavement of any portion of the colored race which makes and executes the laws of the country.’

“The question, it will be therefore seen on examination, does not regard the exclusion of slavery from a region where it now exists, but a prohibition against its introduction where it does not exist, and where, from the feelings of the inhabitants and the laws of nature, ‘it is morally impossible,’ as Mr. Buchanan says, ‘that it can ever re-establish itself.’

THE POWER OF THE UNION—THE FUNDAMENTAL PRINCIPLES OF OUR UNION—THEIR POWER.—“It augurs well for the permanence of our Confederation, that during more than half a century which has elapsed since the establishment of this government, many serious questions, and some of the highest importance, have agitated the public mind, and more than once threatened the gravest consequences; but that they have all in succession passed away, leaving our institutions unscathed, and our country advancing in numbers, power, and wealth, and in all the other elements of national prosperity, with a rapidity unknown in ancient or in modern days. In times of political excitement, when difficult and delicate questions present themselves for solution, there is one ark of safety for us; and that is an honest appeal to the fundamental principles of our Union, and a stern determination to abide their dictates. This course of proceedings has carried us in safety through many a trouble, and I trust will carry us safely through many more, should many more be destined to assail us. The Wilmot proviso seeks to take from its legitimate tribunal a question of

domestic policy, having no relation to the Union, as such, and to transfer it to another created by the people for a special purpose, and foreign to the subject matter involved in this issue. By going back to our true principles, we go back to the road of peace and safety. Leave to the people, who will be affected by this question, to adjust it upon their own responsibility, and in their own manner, and we shall render another tribute to the original principles of our government, and furnish another guarantee for its permanence and prosperity.

“I am, dear sir,

“Respectfully

“Your obedient servant,

“LEWIS CASS.

“A. O. P. NICHOLSON, Esq., Nashville, Tenn.”

This letter expresses frank, statesmanlike and national sentiments, and contains not a single word which an impartial reader can interpret as favoring slavery. On the contrary, many expressions indicate that General Cass regretted its existence no less than do all enlightened men and genuine friends of human liberty. Envy and disappointed ambition may pretend otherwise, but the proof is lacking to countenance the shameless effrontery. It was the offspring of a conviction in the mind of its distinguished author, that the pressing upon Congress the adoption of the proviso, was urging useless legislation—by many deemed plainly unconstitutional, and defiant to the wishes of tens of thousands of patriotic citizens. He treated the question as one not having reference to the exclusion of slavery from territory where it existed, but a prohibition against its introduction where it did not exist, and where, in his judgment, from the feelings of the inhabitants and the laws of nature, he believed it morally impossible to go and plant itself. Indeed, he took occasion expressly to say, that, in his opinion, “slavery never would extend to California or New Mexico, and that the inhabitants of those regions, whether they depend on their plows or their herds, can not be slaveholders.” The letter contained his honest sentiments, and by them has he guided all his public action on this subject. Subsequent events have proven the truth of his prediction in relation to New Mexico and California. The territory is free—the State government does not tolerate slavery; and it was a government

made by the people who dwelt there, acting in their own sovereign capacity. This right was no new doctrine with General Cass. He recognized it when Michigan was a Territory—he referred to it and countenanced it in his article upon the Georgia difficulties, before alluded to, which we reproduce from the review of the decision of the Supreme Court, in 1832, heretofore given, as appears in the following extract. He observed :

“That the clause of the Constitution authorizing Congress ‘to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States, refers to territorial rights, and grants no jurisdiction over persons.’ Among other things I say: ‘The power to dispose of, and make needful rules and regulations respecting the territory and other property of the United States, and the power to exercise general jurisdiction over persons upon it, are essentially different and independent. The former is general, and is given in the clause referred to; the latter is special, and is found in another clause, and is confined to the federal tract (the District of Columbia,) and to places purchased by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings.’”

And it is worthy of note, that the views expressed in this letter have entered into and marked the legislation of Congress, and received the approbation of many eminent men of the country, who at first differed with him; thus evidencing the soundness of the position he assumed at the outset of the agitation on this subject.

The letter was read by several gentlemen, northern and southern, before its publication. Some of the latter requested the General to omit that part of it which asserted the right of the people of the territories to legislate for themselves on all questions relating to their *internal policy*. He declined to accede to this request, because of his unwillingness to misstate his views by omission. It did not comport with his self-respect to do so; although he was not unmindful that this doctrine might ever afterward be regarded an inexpressible offense by extreme southern men. At the same time he was aware that the position that Congress had no power to legislate upon the subject of slavery, would be equally unacceptable and unpardonable with extreme northern men.

The introduction of the Wilmot proviso into Congress created quite a stir among the politicians, without distinction of party, all through the southern States. The opinion soon became prevalent, that it was not slavery or involuntary bondage, but the power which the institution exercised in the political world, that induced people to pay it so much attention. It was a hot-bed of parties. On the platform of opposition, an anti-slavery party could exist in the free States; on the platform of self-defense, another party could exist in the slave States; whilst between these two extremes, another party still was always to be found, composed of the conservative mind of the entire country.

The prospect of territorial acquisitions awakened into new life all the elements of politics. Whether these vast domains should be bond or free, was, indeed, a magnificent question. Anti-slavery had opened the battle, and made a vital attack; it was no less than a pronunciamiento of entire interdiction; the area of slavery was *never*, under any circumstances, to be extended. No matter if the blood of the slaveholder had watered the roads, valleys and mountains of Mexico; and southern armies, with chivalrous bravery, were first among the foremost to plant the standard of their country upon the walls of the imperial capital. This should not give their relatives and families at home, the right to emigrate with their property. Not so, thought they; and their statesmen echoed the sentiment in the halls of Congress.

Action for self-defense was necessary. A convention was suggested, to combine the efforts of the citizens of the slave States. Mr. Calhoun favored it; others did the same. This looked sectionalism in earnest. The government of Washington was evidently fast drifting to the rubicon. Statesmen who would cling to the Constitution to the last extremity, paused to take a reckoning. And with the annexation of new territory, what would be the relative rights of the inhabitants thereof, was the great problem to be solved. General Cass had no misgivings; to his mind, it was clear upon what tack to put the ship of State.

CHAPTER XXXVI.

Harbor Appropriations — Views of General Cass — The Chicago Convention — The Famous Letter — General Cass' Official Acts for Harbor and other Public Improvements — His Speeches and Votes — His Vindication.

The subject of making appropriations for the improvement of harbors on the northern lakes, has frequently been before Congress since General Cass has been a member. Uniformly he has favored, advocated and voted for all reasonable and necessary appropriations. Several times he has drawn up and introduced bills appropriating moneys for this purpose. If he has not always been successful in his efforts, it is to be ascribed to the variety of interests which, unfortunately, the extent of our country has created; and the question has become involved with other measures of public expenditure, having no natural connection with it. The constitutional right of Congress to appropriate money for the improvement of rivers and harbors on the lakes, has been designedly connected with the right of that body to commence and prosecute a general system of internal improvements, so that frequently those who believe that the constitutional right exists in the one case and not in the other, are compelled, by the arts of parliamentary tacticians, to oppose the system entirely, as it is presented to them.

It has been charged upon General Cass that he is opposed to appropriations for harbor and river improvements. The history of his votes, during his career in the Senate of the United States, disproves the truth of the unfounded allegation. He supports the creed of the Democratic party on this subject, early established, and frequently reiterated in National Convention. It is summed up in the following declaration: "that the federal government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the departments and agents of government, and that it is inexpedient and dangerous to exercise doubtful constitutional

powers; that the Constitution does *not* confer upon the general government the power to *commence and carry on* a GENERAL system of internal improvements."

It does not deny the power of Congress to improve the great harbors, and rivers, and lakes of the country, that can be considered national in their character, and important to its defense and commerce. He recommended appropriations for such purposes when Secretary of War; but he does deny the power, and is opposed to its exercise, to devise and prosecute a vast system, whose pecuniary extent can not be foreseen, and whose corrupting influence in and out of Congress, may well excite apprehension; at the same time he has advocated and voted for particular appropriations, justified by the position and importance of the location to be improved.

In one of his speeches on this subject he says, "With respect to harbor improvements upon the great lakes, in which my constituents feel a deep interest, I may be permitted, I trust, to make a few remarks. *It is the exercise of a power essential to the prosperity of the country, and necessary to prevent a prodigal waste of human life.*"

We will give one instance, from Congressional record, to show the position of General Cass on this question:

In July, 1846, Mr. Dix moved to take up the river and harbor bill.

Mr. Bagby (of Alabama) objected. He was opposed to the bill in principle, and with a view to record his vote, asked for the yeas and nays on the question, and they were ordered.

The yeas and nays were taken on the question, and stood, yeas thirty-seven—nays fourteen; GENERAL CASS VOTING IN THE AFFIRMATIVE.

July 21.—On motion of Mr. Dix, the Senate resumed the consideration of the river and harbor appropriation bill.

Mr. Atchinson moved the reconsideration of the vote by which the following clause was stricken out:

"For the improvement of Little Fort harbor, on Lake Michigan, \$12,000."

Upon this motion discussion ensued.

General Cass *advocated the appropriation*. He argued for it on the ground of expediency and *constitutional right*. He denied that they were legislating for mere local views. *It was the duty*

of Congress to legislate with a regard to local as well as general interests. He contrasted the importance of harbors on the lakes with the rivers. On the Mississippi and great western rivers every species of craft could land at any point; but, on the lakes, the God of nature had imposed the most formidable difficulties. He himself was once shipwrecked near the town of Cleveland, and saved his life at imminent hazard. He alluded to the commerce of the lakes. Last year the number of vessels of all kinds navigating the lakes was four hundred and ninety-five, and thirty were building; thirty-six vessels had been driven ashore—twenty total wrecks, and four had foundered.

The vote was reconsidered—yeas 32, noes 19—General Cass voting for the reconsideration. The further consideration of the bill was postponed.

July 23d.—Mr. Dix moved that the Senate resume the consideration of the river and harbor appropriation bill.

Mr. Atherton offered an amendment: Provided that no *money* shall be drawn from the treasury *on account of any appropriation contained in this act*, unless the revenues of the government shall be sufficient to pay the current expenses of the year without resorting to treasury notes or loans.

On the amendment Mr. Atherton demanded the ayes and noes, which being called, the amendment was lost—ayes 18, noes 33—General Cass voting in the negative.

After offering and discussing various amendments, upon which General Cass invariably voted to sustain the bill, the question was taken upon ordering the bill to a third reading, which was done—ayes 31, noes 16—General Cass voting in the affirmative.

The bill was then, by unanimous consent, read a third time and passed, General Cass voting for the passage of the bill.

Here, then, is the irrefragable proof that General Cass advocated in his speeches, and supported by his vote, appropriations for the improvement of our rivers and harbors; and he voted against Mr. Atherton's amendment, which was intended to, and would, if adopted, defeat the operation of the bill.

In further illustration of General Cass' construction of the constitutional power of Congress to make grants for specific improvements where the benefit will accrue to the country in general, in 1846 he advocated and voted for the bill to grant alternate sections of public land to the State of Michigan, to complete certain works

of internal improvement. Upon a more recent occasion, in the winter of 1848, he advocated and voted for a grant to the State of Illinois of the right of way and a donation of public lands for making a railroad, connecting the upper and lower Mississippi with the lakes at Chicago.

Probably much of the misrepresentation of the General's views on this question should be attributed to a studied purpose, on the part of his political opponents. Perhaps there are persons so inimical to any measure which receives the sanction of the Democratic party, that, at times, they oppose what their judgment convinces them is right. However this may be, in the summer of 1847, an attempt was made to commit the people of the west, who were personally interested in river and harbor improvements, to a disavowal of the doctrines of the Democratic party in this particular; and, with this view, a convention was called and held at the city of Chicago in July of that year. The delegates to this convention were self-appointed, and it was numerously attended. The ultimate object of it was to procure action condemnatory of the policy of the Democratic party, as was thought in many quarters; and if persons, known to be members of that party, were in attendance, such a vote would have the appearance, at least, of being sustained by a portion of the Democratic party. The distinguished men of all parties were invited to be present by a committee of arrangements. To these invitations answers in writing were returned. Some of the more prominent men of the Whig school of politics discussed the question at length in their replies,—and very properly, if such was their inclination. Among other distinguished men of the Democratic party, General Cass was very politely invited to be present. He had prior engagements on his hands to fulfill, and he declined accepting the invitation, in the following neat and concise note in reply, nearly two months in advance of the assembling of the convention:

“DETROIT, May 17th.

“DEAR SIR:—I am much obliged to you for your kind attention in transmitting me an invitation to attend the Convention on Internal Improvements, which will meet in Chicago in July. Circumstances, however, will put it out of my power to be present at that time.

“I am, dear sir,

“Respectfully yours,

“LEWIS CASS.

“W. L. WHITING, Esq., Chicago, Ill.”

There was no occasion for an expression of his opinions or views upon the subject matter of the invitation, or what the action of the convention to which it alluded should be. The records of Congressional legislation contained them in abundance, and all who had taken the trouble to inform themselves of the current history of their country, could not be otherwise than fully informed. Perhaps a man less scrupulous about obtruding his personal sentiments upon the public than General Cass, might have seized upon the opportunity to avow, unasked, his private views; but such an answer to a simple invitation to attend a public meeting, all will readily admit would have been in bad taste, especially when it is understood (for such was the fact,) that the General was not aware that Mr. Whiting was a member of any committee, but, on the contrary, regarded his note as a private communication from one gentleman to another.

This brief and very intelligible letter, however, in a subsequent year, formed the text for much political *badinage*; and we do not now remember that ever six lines were written which have been the subject of so much perversion. It has been cited, frequently, as evidence of the General's hostility to harbor and river improvements, when it does not contain one word on the subject, or intimation, even, from which such an unfounded and unwarranted inference could be drawn.

As there has been so much anxiety manifested to know why the General did not attend the convention, it is but just to say, that, in addition to prior engagements that put it entirely out of his power to be present, without much inconvenience personally, he did not deem it absolutely necessary for himself to attend, because it was his opinion that the object of the convention was political, entirely incompatible with his views and practice; and, above all, that its labors would not effect any particular benefit. He, in short, was unable to perceive how any useful plan of action could be devised or adopted by a large assemblage, among whom differences of opinion existed, in a time of great political excitement, gathered from many sections of the country, without limitation as to numbers, and possessing no degree of responsibility for the wisdom or felicity of the measures it might happen to propose; and the result proved he was right, for no good resulted from its labors.

On his route homeward from Washington, immediately after

his acceptance of the Presidential nomination in 1848, General Cass was welcomed at Cleveland by a large concourse of his fellow-citizens. Judge Wood, of that place—an old acquaintance and political friend of the General—at their request, formally addressed him. To this, General Cass made a suitable reply, acknowledging the respect paid him, that his voice was weak, his health feeble, and his strength prostrated with the fatigue of several days' travel, and suggested that he was doubtful whether, amidst *the noise and confusion* that prevailed, he could be distinctly heard by all present. After making a few further observations appropriate to the occasion, he concluded his reply, and received the personal congratulations of such as saw fit to approach him.

It has since been alledged, that the General sheltered himself behind the noise and confusion, to avoid an expression of his views on the subject of harbor and river improvements. As if his views on that topic were not fully before the people, the allegation has often been reiterated, until the words italicised in the preceding paragraph, have become classical in our political nomenclature. The allegation is untrue, and was regarded as too silly to be noticed by the General's political friends, until January, 1850, when, having been revived by the *Washington Republic*, Messrs J. W. Gray, the editor of the *Cleveland Plaindealer*, and H. V. Willson, a respectable citizen and lawyer of Ohio, addressed Judge Wood—then Governor of Ohio—and received from him the following explicit statement of what transpired on the occasion alluded to :

“EXECUTIVE OFFICE, Columbus, January 21st, 1851.

“GENTLEMEN :—Your favor of the 28th instant came duly to hand last evening, on the subject of that *stale* slander, the *speech of General Cass* at Cleveland in 1848, as reported in the *Herald*, and requesting my recollection of it, and the order in which it occurred.

“In justice to myself, I must say, at the time of the reception of General Cass at Cleveland, I had not read his letter accepting the nomination for President, or no opportunity would have been given for the *perverse* and *silly* version of his speech, which was published in the *Herald* on that occasion.

“The speech attributed to the General, that there was ‘*so much noise and confusion*’ that he could not be heard in answer to the

particular subjects of river and harbor improvements, and the extension of slavery into the free territories of the United States, to which his attention had been especially invited, was not made by him *in that connection* at all.

"His remarks were very able, eloquent, and appropriate, for an effort of the kind. He commenced by saying he was fatigued with several days' travel; that his health was feeble, his voice but weak, and he was doubtful whether, amidst the noise and confusion that prevailed, he could be distinctly heard by all in that vast assembly.

"General Cass then gave a brief history of his emigration to Ohio when a youth; his residence in the State of his adoption. He spoke of the condition of Ohio when he first settled at Zanesville; of her rapid advance in intelligence, population, and wealth, and of the interest he had always felt in her institutions and prosperity, &c., &c.

"General Cass then, in order, alluded to the recent events in Europe, and drew a comparison between the governments of England, France, and Germany, and the American Republic, &c., &c., which occupied him fifteen or twenty minutes; and then, turning from the assembly directly to me, he observed that the particular subjects to which I had called his attention were those upon which he had hoped his sentiments were well known and understood. For a knowledge of his opinions on those subjects, he could only refer to his votes and action in the Senate of the United States for several years—to his letter to Mr. Nicholson, in which he had expressed himself without reserve; and he thought *they* would afford more satisfactory evidence of his sentiments than any assurances he could then give, under the circumstances by which he was surrounded. 'Besides,' (said he) 'in my letter accepting the nomination for President, I have stated that it must close my professions of political faith, and to this declaration I think I ought to adhere.'

"This was the substance of the speech, according to my recollection of it, and the order in which it was delivered. The report of it in the *Cleveland Herald*, and which was put into my hands but a short time after General Cass left the stand, was doubtless an *artful* and *designed* misrepresentation of the whole affair.

"I am, gentlemen, very respectfully,

"R. WOOD.

"MESSRS. GRAY and WILLSON, Esqs., Cleveland, &c., &c."

In order that there may be no misconception of his views on this interesting topic, we make a few extracts from a speech of his, delivered in the Senate at the close of the session of Congress in March, 1851, on the river and harbor bill.

"Now, sir, the honorable senator from South Carolina [Mr. Butler] has referred, rather triumphantly, I thought, to the resolutions of the Baltimore Convention, and seems to suppose that their faithful observance would prevent those of us who acknowledge their obligations from voting for any river or harbor bill. Mr. President, for one, I see neither difficulty in the case, nor inconsistency in the course. This resolution, disavowing the right to establish a general system of internal improvements—for that is the doctrine repudiated—was first presented to the Democratic party by that able and incorruptible statesman, Silas Wright, whose memory is embalmed in the heart of every true Democrat. Well, sir, he, its acknowledged father, held at the time he urged it, and continued to hold till his lamented death, the same opinions upon this subject which are now sanctioned by the Democratic party, and which authorize these appropriations for certain national objects. Can a doubt rest upon the mind of any man, fairly disposed, respecting the construction he put upon his own declaration? What he meant, and what the Democratic party mean to repudiate, is the power to spread a great system of public works through the whole country, embracing roads, canals, rivers and harbors, and ponds, too, for aught I know—a system by which the Union was to be covered with roads and canals, as by a network, and whose consequences, as well financially in the enormous expenditure it would entail, as morally and politically by the corruptions it would lead to, no man can seriously contemplate without alarm. Why, sir, a fact which has just been stated by an honorable member, [Mr. Downs,] that at the time of the Maysville veto there were propositions before committees of Congress for lines of roads to the amount of \$106,000,000, as I understood him, for I have not time to refer to the documents, places in a striking light the dangers we were exposed to, and from which we escaped by the firmness and wisdom of Andrew Jackson; and, by the adherence of the Democratic party to the principles of this great act we are yet safe from this peril. They have taken roads and canals from the grasp of the general government, and all the rivers, except a few, which can be considered national in their

character, by the contributions they furnish to the commerce of the country. A great system of internal improvements is exploded, and the powers of the government are confined within their legitimate boundaries,—the right to regulate commerce, and to improve natural reservoirs and some of the principal natural avenues of communication.

“Look, sir, at the votes in the Senate in 1847, the last time a bill upon this subject passed, and but a year before the meeting of the Baltimore Convention. You will find that on a test vote, so announced by the mover, Mr. Bagby, to strike out the sum of \$156,000 for the improvement of the Ohio river below the falls, there were thirty-nine nays and but six yeas. My name is recorded among the former; and a far greater one than mine is there, too,—the name of Calhoun.

“With respect to harbor improvements upon the great lakes, in which my constituents feel a deep interest, I may be permitted, I trust, to make a few remarks. It is the exercise of a power essential to the prosperity of the country, and necessary to prevent a prodigal waste of human life. When I first removed to the region, there was but one natural harbor free from a bar between the mouth of the Detroit river and Black Rock, the whole extent of Lake Erie, and that was at Put-in-Bay Island. How this great defect was to be remedied was a subject of anxious inquiry; for almost every day demonstrated both the danger and the difficulty of the navigation. I have never been exposed to more peril than at Cleveland, where I was driven ashore, and narrowly escaped with my life,—the mouth of the river being entirely closed. At length the plan of building piers was suggested and adopted, by which the current of the rivers being confined within narrow limits, they were thus enabled, when high, to sweep away the bars, and so to create and preserve navigable channels. Experience soon came in aid of the system, and it is now found effectual for its object. It must be recollected that storms arise violently and suddenly upon those great fresh-water seas; and as there is not sea room, as sailors say, to work a vessel off, she must often perish, with cargo and crew, unless there is a harbor near, in which she can take refuge. And these circumstances render a greater number of ports necessary, than would otherwise be required. But as it is, and with all the improvements which have taken place, the statistics of the lake commerce for 1850 exhibit a most

lamentable loss of life and property, as the following abstract will show :

Loss of life	395
Loss of property	\$558,000
Number of vessels lost	32

“The value of the property and number of persons running this risk are stated as follows :

Value of the commerce	\$191,000,000
Passengers	355,000
American tonnage	167,000

“Here, sir, is an exhibit of danger great enough to awaken the solicitude and to command the active attention of the most careless Legislature. I can never surrender a principle which enables the government to discharge a sacred duty, dear to all my constituents; and I should faithfully discharge my obligations to them, (and those obligations are many and great,) if I did not use all my efforts to have this trust fulfilled by the general government, so far as I can consistently with the Constitution and the true principles of sound legislation.

“Harbors of commerce and of refuge are not only necessary, but harbors are also indispensable for the purposes of war. A fact that occurred in 1813 should teach us to be provident in season: the fleet, commanded by Commodore Perry, which gained the most glorious naval battle recorded in our annals, was constructed at Erie, in Pennsylvania. At that time the waters of the Lake were low, and the bar at the mouth of the harbor could not be passed without lighting the vessels. The British fleet was off the shore, blockading ours, which could not go out while the enemy was there, because the guns could not be mounted, as they would have occasioned too great a draught of water. A violent storm arose, which compelled the hostile squadron to leave the coast, and, by great energy and activity, Commodore Perry was enabled to get his vessels over the bar, and to embark his guns and follow the enemy, and thus to gain that splendid victory which he fought with Spartan courage, and reported with Spartan brevity, when *he met the enemy, and they were ours.*

“Anxiously did I look out for tidings of the result, for the booming cannon had told that the contest had gone on and was finished; and joyfully did I open the dispatch of the gallant commander,

for it was my fortune to receive it in the absence of General Harrison; and the shouts of the express, as he rode through the camp to my quarters, prepared us for the intelligence he brought;—but what I felt when I read the glorious letter, no tongue or pen can tell or record. It opened to us the road to the conquest of western Canada, and to the recovery and security of our own northwestern frontier. The British would otherwise have retained the command of the Lake, and our whole operations would have ended in useless and enormously expensive efforts to invade the hostile possessions by land.

* * * * *

“I repeat that I am in favor of the great principle of keeping the expenditures within the receipts, and I am prepared to support it, if the deficiency is thrown equally upon all the objects of expenditure which are in the same circumstances. I agree that the authorized and usual expenses of the government—those sanctioned by existing laws, and the private claims which have become acknowledged debts by our legislation, should be first met. We can not avoid these without the most serious injury, and without the palpable violation of a moral duty. But I can not extend this immunity any further than our existing obligations. I can not consent that all the excess should be thrown upon the river and harbor appropriations; it is not just. There is a vast variety of objects, for which we are providing with railroad rapidity, and amid a railroad *noise and confusion*, which are far inferior in real importance and utility to many of those contemplated by this bill. Among them are appropriations made or anticipated for the capitol, for mints, custom-houses, post offices, steamboat lines, and books—no inconsiderable source of expense—and many other purposes, all of which may be delayed, and many of which may be omitted without injury to the public service. I repeat, sir, it is unjust, flagrantly so, to throw all the deficiencies upon the river and harbor bill, and leave everything else to go on, money or no money. I propose to the senator from Maine to accept an amendment which will carry out this view, and I will then vote for his proposition.”

General Cass did not vote on this bill, because the question was not reached before midnight of the third of March. We have, some pages back, given his views of the Sabbath. But, in addition, he had constitutional scruples on another point—the right of sitting after the third of March, at alternate sessions of Congress.

So had General Jackson ; so had Mr. Polk : and for the reason that the term of Congress expires on the third day of March. The only pretense for prolonging it until noon of the fourth, is because General Washington was inaugurated at that hour. General Cass believes that the Presidential term commences with the fourth, but that the power to execute the duty of the office commences only with the qualification. General Taylor's term commenced on Sunday, although he was not sworn in until Monday. He had just as much right to be sworn in at one o'clock in the morning of Monday, as he had at ten, eleven or twelve o'clock ; and then this strange anomaly would result—that we should have two Presidents from the time the new one is sworn in until twelve, two lawful Presidents of the United States ; for we take it for granted, that the same rule of construction is as applicable to the President as to Congress. And who ever drew pay for half a day ? The pay of members of Congress, by common consent and usage, terminates on the third of March. How, then, break the calendar and legal day, and run into the fourth ? General Cass' constitutional scruples and invariable practice are against it.

Again, in 1852, on the sixteenth of August, he spoke in the Senate for appropriations, when that body, as in Committee of the Whole, had under consideration the bill granting to the State of Michigan the right of way, and a donation of public lands, for the construction of a ship canal around the Falls of St. Mary.

In addition to the advantages to accrue from such a canal to commerce, and to the people at large who resided along the borders of New York, Pennsylvania, Ohio, Michigan, and Wisconsin, he advocated the passage of the bill because of the facility it would afford in case of war, for the transportation of munitions of war, and for defense to the frontiers generally. Read what he says :

“ In the course of this discussion, besides the improbability of war, we have heard it charged as another reason for refusing to grant this application, that it would be useless, because, should war come, Canada would fall with comparatively little opposition ; certainly with so little as to render a military marine upon the lakes unnecessary. Mr. President, we are taught as well by the book of history as by the book of revelation, that *the race is not always to the swift, nor the battle to the strong*. Too much presumption and self-confidence have often robbed powerful nations

of victory, and driven them recreant from the field of contest. It is not easy to reduce a people determined upon resistance; and in any future war with England, come when or how it may, the success of our operations in Canada, or at any rate their facility, will depend essentially upon the disposition of the inhabitants. England has great means of annoyance; no one denies that; and if she should put forth her full strength—and who doubts it—she would be a formidable coadjutor with her Canadian subjects in the defense of the country. That we could overrun and deprive her of her possessions in our neighborhood, I am perfectly satisfied. But I wish neither to underrate the difficulties we should have to encounter, nor the preparations we ought to make. It is an error we committed once to our cost, and which I hope we shall not commit again. It is an error of which I partook as well as others; but from which, for my own part, I recovered forty years ago this very day, when the surrender of Detroit told the dishonor of our country and the uncertainty of human expectations. There was even then a great disparity in our strength, compared with that of our opponents. It is indeed greater now; but still British North America has increased since then in a rapid ratio in population and power. In the event of a war with England, it will undoubtedly be our policy, among other means of annoyance, to seize her continental colonies, and to hold them to await the arrangement of a treaty of peace. For myself, sir, I should be glad to see those countries annexed to the United States, as well from their position and contiguity as from the nature of the population, which is capable of appreciating the benefits of a free government, and of aiding in its administration. I live in sight of Western Canada, and a beautiful country it is, rejoicing the heart and the eye of the traveler; but I want no annexation at the expense of political honesty, nor of a war with England, nor without the free consent of the people themselves. I would not, if we could, unjustly deprive that country of her existing territorial possessions, whatever examples I might find in her own history of successful spoliations. But should war come, which is a contest of injury as well as of strength between the parties, we should have a moral right to carry our arms into her colonies, and to subdue them if we could, and then to retain them on the conclusion of peace, should England find it necessary to assent to the cession. But even then, I repeat, I would not hold on to an

acre without the free consent of the people; for their intellectual and moral condition is such that they ought to be permitted to decide that vital question for themselves. I would rather have them contented neighbors, than reluctant citizens.

"I have been charged, sir, with a great desire to swallow territory, and I do not deny but that I have the bump of acquisition tolerably well developed for a Jonathan; but for a John Bull, even mine would be a very small organ, a molehill to a mountain. But I should like a reasonable slice north, and one near insular acquisition on the south; both of which regions are important to our security and prosperity. But I would not receive either of them but upon condition that the deed were done openly, honestly, acceptably to all parties; unless, indeed, a just war should give us a right to subdue them, and thereby to violate no principle of national conduct.

"But I must return to the lakes, which, while they separate us from Canada, furnish also the means of communication along almost the whole frontier. I have before said, they constitute three *plateaus*, the lower being Lake Ontario, the middle, Lakes Erie, Huron, and Michigan, and the upper, Lake Superior. The interruption of navigation between the upper and middle of these great reservoirs, I have already shown. Between the middle and the lower, the Falls of Niagara are interposed, which, however, have been overcome by the Welland Canal, constructed by the British government, and which furnishes a navigable communication for vessels; and we learn, from recent information, that a surveying party was a few days ago at St. Mary's, surveying a route for a canal across the falls, to be constructed by the British government,—a wise precautionary measure, which we shall do well to imitate. The slightest inspection of the map will show that the command of these lakes by one party, restricts the other, both for its supplies and for all its means of communication, to three or four points where the frontiers approach each other, thus facilitating the powers of offense and defense by the command of the water.

"Now, sir, in the event of hostilities, we must have armed vessels upon Lake Superior, as well as upon Huron, Michigan, Erie, and Ontario. We can not neglect the country upon the greatest of our lakes. It is growing into importance; and the further our researches are pushed, the greater becomes its promise. The

mineral treasures, already so productive, though but yet in the infancy of our knowledge of them, and the population there, and daily going there, must be protected, both from the civilized and uncivilized foe, who will be sure to take hold of the tomahawk together in that region, should war render their co-operation desirable. And a heavy Indian force can be collected there, from the extensive northern and northwestern regions, ready to strike upon our frontiers, if the necessary supplies can be secured, which can only be done by the command of the lakes. Our naval superiority would enable us to intercept all this atrocious intercourse, leading to blood and destruction.

“Well, sir, open a passage for vessels from Lake Huron to Lake Superior, and the same squadron can act, as necessity may require, upon the appearance of danger, on all the lakes above Ontario. Leave the present interruption to exist, and you must double your marine force, as it can not be transferred from one of these theaters of operation to the other. We may be driven to another war of ship-carpenters, such as we fought, at an enormous expense, upon Lake Ontario, in 1813-’14. All who lived in those days know from recollection, and those who have come upon the stage of action since know from history, what prodigious efforts both the parties made for maritime superiority. The dock-yards were kept in constant activity, and when a new ship gave too great an ascendancy to one fleet, the other kept out of harm’s way till the trees of the forests—for they were cut as they were wanted—could be fashioned into a vessel, and an equality or superiority insured. And thus the contest went on, with no decisive results, till the peace, which found us with the largest ship in the world, or almost the largest, upon the stocks, and I do not know how many others in process of construction; and I believe the British commander, Sir James Yeo, was not a whit behind us in this race for power. The expense must have been prodigious; and, I think, after the peace, that our huge monster rotted in her cradle.

“Now, sir, if after the naval battle of Lake Erie, by which the whole British armament was destroyed, the gallant Perry had possessed the means of conveying his squadron to Lake Ontario, the naval warfare would have been finished in a week, or the British vessels would have been hermetically shut up in their ports, leaving to us the command of the lake. The canal we ask,

being once made, would exist forever, for light tolls would keep it in repair, and its cost would be far less than the necessary expense to provide vessels even upon a single occasion for Lake Superior, whose destruction a few years would witness by natural decay, leaving us to do the work of building again.

“It has been asked here, with a kind of *ex cathedra* manner, in what remote generation can hostilities occur on Lake Superior? I do not precisely understand the purport of the question; but as it was put with a good deal of emphasis, I suppose it was intended to include a good deal of argument or objection, or both. But whether it intimates that the country will not be worth fighting for, or that there will be no inhabitants requiring our protection, I know not. It seems to concede that there may be a foe in that region, in some remote period, no man knows when.

“Now, sir, the history of our whole progress is the best answer to such an interrogatory, and especially the history of the West. There is one simple fact, within my own knowledge, which I trust the Senate will pardon me for referring to, because nothing can place in a more striking aspect the wonderful advance of this country in power and prosperity. I have often conversed with a venerable relative, who was the cotemporary of Peregrine White, the first child born to the Pilgrims after their arrival upon this continent. But one generation between him who tells the story, in this great depository of political power—a portion of the power of one of the mightiest nations on the face of the earth—and the oldest of the sons of the Puritan patriarchs. Verily, though God made no covenant with them, as he did with Abraham the patriarch of Israel, when he said to him, “Look now toward heaven, and tell the stars, if thou be able to number them,” and then gave him the memorable promise, “So shall thy seed be;” though we can point to no such covenant, yet, if we have not been a chosen, we have been a favored people, and already have become like the stars in the heavens, which it is hard to number.

“But though our mighty progress marks every page of our history, and attracts the admiration of the world, provoking, also, less justifiable feelings in some portions of it, at least, yet we are asked here, in the American Senate, in what remote generation one of our magnificent regions will be worth defending? Why, sir, when I crossed the Ohio river, in the last century, there was but one organized political community—the old North-western Territory,

with a venerable revolutionary officer (General St. Clair) at the head of it, and with a population of a few thousand inhabitants—north of that river, and east of the Mississippi; and now there are five States of this Union and five millions of people there, occupying as fair a country as God ever gave to man to enjoy—a rate of increase which outstrips all previous human experience, as it almost outstrips the human imagination; and the advance in the other elements of power and prosperity have not been less striking than the augmentation of numbers, and all this within the limits of an active life. Why, sir, at that time we had but one small American vessel, I believe, of perhaps a hundred tons, upon all the middle lakes; and now we have upon the various lakes a navigating interest of not less than two hundred thousand tons. I remember when a single vessel—the *Adams*—made two annual trips from Buffalo to Chicago; one in the spring, to take the supplies to the upper country, and the other in the autumn, to bring down the furs, almost the only article of trade collected there. And those two voyages occupied the navigating portion of the year. Now, the annual value of the freight carried over the lake routes is not less than \$200,000,000; and a solitary passenger or two, who then ranged over an almost unknown world, is now succeeded by hosts of travelers, with splendid homes on the waters, numbering certainly more than half a million, probably nearly approaching a million, every year.

“Well, sir, I shall say no more upon this subject; but beg gentlemen to judge the future by the past, and to look forward to the day when a numerous and thriving population upon both shores of Lake Superior will demand the attention, and, if need be, the protection, of the governments who may then have jurisdiction there.

“Is it really believed, says one of the senators opposed to this measure, that we shall ever have war vessels on the lakes? The question is so emphatically put, that it is intended to carry with it its own answer—as if the thing were impossible, and the supposition absurd. Proper confidence is well, but presumption is prone to lead to disaster. I have already shown, I trust, that whether we may ever need a military marine upon our inland seas, depends upon considerations not within the reach of human sagacity; and that ordinary circumspection requires us, not, indeed, to provide such an armament before it is needed, but to construct a work

which can not be hastily done, and which will greatly reduce the expense and extent of our naval arrangements when the period for their use shall come, and which, in the mean time, will add essentially to the growth and prosperity of the frontier."

With these evidences of General Cass' uniform friendship for appropriations from the general government, and his steady efforts to obtain the same, we pass on to other points in his life.

CHAPTER XXXVII.

Foreign Governments—General Cass' Sympathies with the King-ridden People—Austrian Intercourse—General Cass favors Suspension—Extracts from his Speech—Ireland—The Distress of the People—General Cass moves an Appropriation in their Behalf—His Relations with Mr. Polk's Administration—Yucatan.

The position which General Cass has so long held in public life has given him unsurpassed opportunities to acquire a thorough knowledge of the schemes of foreign powers. Not only that, but also to become conversant with the wants of the inhabitants. He has always found that under monarchical governments there is a proneness to tyranny. To the bondage of either body or mind he has ever been an unyielding opponent. Democratic in his own sensations and education, he sympathizes with the oppressed every where. Hence, in all the popular movements that from time to time have occurred to improve the condition of mankind, his sympathies have been for success. He has regretted, it is true, on many occasions, that the leaders of the masses in the thickly populated districts of city and country, where the phrensy of the hour has broken the bonds of municipal regulation, were not possessed of more wisdom, and, as it sometimes seemed to him, genuine patriotism—a patriotism that merges all selfish considerations in the promotion of the common cause of their country and all its citizens. But he has made due allowance for poor human nature on such occasions, and, overlooking personal glory or aggrandizement, wished them in his heart God-speed. Often a witness of the wrongs and injustice heaped upon the king-ridden subjects of European monarchs, he observed that the people of those countries were, in most instances, mere machines, submissive to the will of their masters only because the sword and the bayonet were there to wring obedience; and he could well appreciate how grateful to the fugitive from oppression is this land of the free, and how consolatory to their aching minds and bodies is the word of kind welcome and the hand of friendly greeting. Neither

has he been insensible to the alleviation afforded to those left behind and still struggling, by a recognition of them from the high places of republican power on this continent; and, when an opportunity has offered, no one has been more prompt to give utterance to that glorious impulse which would, if it had the power, strike off every manacle. When freedom has cried for sympathy or aid from any quarter, with a generous enthusiasm he was always ready to unite in sending them the encouragement of millions of brave citizens of a happy and prosperous republic.

When Napoleon was banished to Elba, he felt that freedom had retrograded a century in the old world—notwithstanding this prodigy of the age occupied the throne of an emperor, and was invested with the robes and paraphernalia of imperial power. When the tri-colored banner waved in triumph over distracted Paris in 1830, he rejoiced that Louis Phillippe ascended to the high seat of authority. And again, when Lamartine and his philosophical compeers hurled Louis Phillippe, in turn, from the throne, he celebrated the event with his fellow-citizens assembled at the capital of his country. He addressed them. He briefly reviewed the conditions of the governments beyond the Atlantic, the efforts of the people to establish freedom, and rear a regenerated government on the platform of equality and justice, in such a form as would most conduce to their happiness and safety. He traced the revolutions all over the continent to their sources—to the abuses and oppressions which for centuries had been engrafting themselves upon those governments. And the origin of the movements of 1848, he traced to the avowal by the Pope of his attachment to free principles.

“One of the strangest events,” said he, “in this day of great events, is the origin of these movements in favor of liberty upon the continent of Europe. Whence come they? From the Eternal City—from the head of the Catholic religion—the successor of St. Peter. Immediately on his elevation to the pontificate, the Pope avowed his attachment to free principles, and from the Vatican went out the decree which is now spreading through the earth. The pontiff who holds the keys of St. Peter, has found a key to unlock the recesses of the human heart. His moral courage was but the more tried by the difficulties of his position. The abuses of the government were the work of ages, and had entered into all the habits of life and the ramifications of society; and he was

surrounded by despotic governments, jealous of the first aspirations of liberty, and maintaining their sway by powerful armies. The Austrian, too, with his Pandours and his Croats from the banks of the Danube, had descended the ridges of the Alps, and had spread himself over the sunny plains of Italy. Almost in sight of the dome of St. Peter's, he watched, with interest and with many a threatening word, the progress of the Pope. But the work went on. Naples is in a state of revolution ; Tuscany and Sardinia in a state of reform ; and France of apparently peaceful progress in the new career opened to her."

He also supported and voted for the resolution introduced, tendering the congratulations of Congress, in the name of the American people, to the people of France upon their successful efforts to consolidate the principles of liberty in a republican form of government.

The same desire to spread the doctrines of republicanism, and give a word of encouragement to the patriotic reformers of Europe, prompted General Cass to support the proposition to send a minister to the Papal States. There was another consideration: the United States had commercial relations with those States, and many of our citizens resided there ; the protection of these interests, argued the General, required that our government should be represented in this new capacity.

Again ; when the gallant people of oppressed Hungary rose against their rulers, and in an organized combination made one mighty and vigorous effort to shake off Austrian domination, and regain their long-lost constitutional rights and religious privileges, General Cass' heart was with them, and his voice was heard cheering them on in their holy work. To him the opportunity seemed a proper and a favorable one to offer, by one strong act of national legislation, the condolence of a great and powerful people to the bravery of the oppressed, and their indignation against the cruelties and barbarities of the hoary and tyrannical oppressor. With these emotions, on the 24th of December, 1849, he offered for the consideration of the Senate a resolution instructing the Committee on Foreign Relations to inquire into the expediency of suspending diplomatic relations with Austria. It was, indeed, a bold measure, but such as a patriot would wish to see adopted. He supported the proposition with a manly speech, and summoned the patriotism of the Senate to its duty.

In the course of his remarks we observe the following :

“ But, sir, while I maintain that the cessation of diplomatic intercourse with Austria would give the government of that country no just cause of offense, I do not seek to deny or conceal that the motives for the adoption of this measure will be unacceptable and peculiarly obnoxious to the feelings of a power proverbially haughty in the days of its prosperity, and rendered more susceptible by recent events, which have destroyed much of its ancient prestige, and compelled it to call for Russian aid in the perilous circumstances where the noble efforts of Hungary to assert her just rights had placed the oppressor. On the contrary, the course I propose would lose half its value were any doubts to rest upon the motives that dictate it.

“ And certainly, were they not open to the day, I should not look for that cordial approbation which I now anticipate from the American people for this first effort to rebuke, by public opinion expressed through an established government, in the name of a great republic, atrocious acts of despotism, by which human liberty and life have been sacrificed under circumstances of audacious contempt for the rights of mankind and the sentiments of the civilized world, without a parallel even in this age of warfare between the oppressors and the oppressed. I say this first effort, for, though the principle of public disapprobation in situations not very dissimilar may be traced in the proceedings of at least one of the representative bodies of Europe, I do not recollect that any formal act has been adopted rendering the censure more signal and enduring. If we take the first step in this noble cause, where physical force with its flagitious abuse, if not conquered, may be ultimately restrained by moral considerations, we shall add to the value of the lesson of 1776, already so important to the world, and destined to become far more so by furnishing one guarantee the more for the preservation of human rights where they exist, and for their recovery where they are lost.

“ Mr. President, I do not mistake the true position of my country, nor do I seek to exaggerate her importance by these suggestions. I am perfectly aware that whatever we may do or say, the immediate march of Austria will be onward in the course of despotism, with a step feebler or firmer as resistance may appear near or remote, till she is stayed by one of those upheavings of the

people, which is as sure to come as that man longs for freedom, and longs to strike the blow which shall make it his.

“Pride is blind, and power tenacious; and Austrian pride and power, though they may quail before the signs of the times—before *barricades and fraternization*, by which streets are made fortresses and armies revolutionists, new and mighty engines in popular warfare—will hold out in their citadel till the last extremity. But many old things are passing away; and Austrian despotism will pass away in its turn. Its bulwarks will be shaken by the rushing of mighty winds—by the voice of the world, wherever its indignant expression is not restrained by the kindred sympathies of arbitrary power.”

He asked that the senators of the United States, from their high places of government, might reflect the true sentiments of their fellow-citizens, and express, in an effective form, their sympathy for struggling millions, seeking, in circumstances of peril and oppression, that liberty which was given them by God, but wrested from them by man. This sentiment is beautifully and powerfully portrayed in the following extract:

“Here is an empire of freemen, separated by the broad Atlantic from the contests of force and oppression, which seem to succeed each other like the waves of the ocean in the mighty changes going on in Europe—twenty millions of people enjoying a measure of prosperity which God, in his providence, has granted to no other nation of the earth. With no interest to warp their judgment; with neither prejudice nor animosity to excite them; and with a public opinion as free as the air they breathe, they can survey these events as dispassionately as is compatible with that natural sympathy for the oppressed which is implanted in the human breast. Think you not, sir, that their voice, sent from these distant shores, would cheer the unfortunate onward in their work—would encourage them while bearing their evils to bear them bravely as men who hope—and when driven to resist by a pressure no longer to be borne, to exert themselves as men who peril all upon the effort? But where no demonstration of interest on the part of a government is called for by circumstances, a sound public opinion is ready to proclaim its sentiments, and no reserve is imposed upon their expression. It is common to this country, and to every country where liberal institutions prevail; and it is as powerful and as powerfully exerted in France and in

England as in the United States. Its effects may not be immediate or immediately visible; but they are sure to come, and to come in power. Its voice is louder than the booming of cannon; and it is heard on the very confines of civilization. Our Declaration of Independence has laid the foundation of mightier changes in the world than any event since the spirit of the Crusades precipitated Europe upon Asia with zealous but mistaken views of religious duty."

This speech reached the banished patriots of Hungary; and Kossuth, in his exile at Kutalya, (Asia Minor,) in a letter to General Cass, under date of May 25th, 1850, thus utters the deep joy of his heart:

* * * * *

"It is not a coward lamentation that makes me say all this, General, but the lively sense of gratitude and thankful acknowledgments for your generous sympathy. I wanted to sketch the darkness of my destiny, that you might feel what benefit must have been to me your beam of light, by which you, from the capital of free America, have brightened my night. It was in Broussa, General, that the notice of your imposing speech reached me; in yonder Broussa where Hannibal bewailed his country's mischief, and foretold the fall of its oppressors.

* * * * *

"Yes, General, your powerful speech was not only the inspiration of sympathy for unmerited misfortune, so natural to noble, feeling hearts; it was the revelation of the justice of God—it was a leaf from the book of Fate, unveiled to the world. On that day, General, you were sitting, in the name of mankind, in tribunal, passing judgment on despotism and the despots of the world; and as sure as the God of justice lives, your verdict will be accomplished."

On another occasion his heart was warm for the sufferings of poor Ireland. When famine stalked abroad over this gem of the sea, and disease was busy in the work of death; when her people cried for bread, and, without resources, laid down and died from the cravings of hunger, General Cass came to their aid, and gave them the benefit of his eloquence and influence in the Senate of the United States. This secured the adoption by that body of a bill authorizing the President to purchase such provisions as he might consider suitable, and to cause the same to be transported,

and tendered to the government of Great Britain in the name of the United States, for the relief of the people of Ireland and Scotland from famine, and appropriating the munificent sum of five hundred thousand dollars to carry into effect the provisions of the bill.

He was aware that many of his political friends in the Senate had doubts as to the constitutional power of Congress to pass such a bill, yet he gave it his unqualified support. In speaking for the sufferings of Ireland's oppressed children—her strong claims for sympathy—the advantages we have enjoyed by the immigration of her industrious, free-hearted sons, who have added to our numbers, and increased the elements of our power and prosperity, he remarked :

“As one member of this body, I feel obliged to the senator from Kentucky for the motion he has submitted and for the appropriate remarks with which he introduced it. He has expressed my sentiments, but with an eloquence peculiarly his own. While physical want is unknown in our country, the angel of death is striking down the famishing population of Europe, and especially the suffering people of Ireland. The accounts which reach us from that country, indicate a state of distress, in extent and degree far exceeding any previous experience in modern times. It is a case beyond the reach of private charity ; its fountains are drying up before the magnitude of the evil ; it is a national calamity, and calls for national contribution. The starving millions have no Egypt ‘where they can go and buy corn, that they may live and not die.’ From our granary of abundance let us pour forth supplies. Ireland has strong claims upon the sympathy of the United States. There are few of our citizens who have not Irish blood in their veins. That country has sent out a large portion of the emigrants who have added numbers to our population, industry and enterprise to our capital, and the other elements of power and prosperity which are doing that mighty work from the Atlantic to the Pacific that is already exciting the admiration of the Old World, and will stimulate, by its example, the exertions of the New. Our population of Irish descent have fought the battles of the country with as much zeal and bravery as any class of citizens; and from the Hights of Abraham, where Montgomery fell, to the walls of Monterey, their blood has been poured out like water in defense of liberty.

“We can now send to Ireland, not indeed what she has sent us, her children—those we can not part with—but food for their relations, our friends upon whom the hand of God is heavily laid. In a petition presented yesterday by the senator from New York, was a suggestion which I am gratified to find embodied in the bill reported by the senator from Kentucky, and which I should be happy to see carried into effect: to employ in the transportation of provisions such of the armed ships of the United States as are not required for the operations of the war. It would be a beautiful tribute to the advancing spirit of the age. The messenger of death would thus become a messenger of life; the agents of destruction, agents of preservation; and our eagle, which has flown above them, and carried our arms to the very coast of Ireland, would then become the signal of hope where it has been the signal of defiance. I shall lend the bill my support with pleasure.”

While the bill was under debate, Mr. Mason, of Virginia, moved to change its character, so as to make it authorize the free transportation of food to Ireland in national vessels, instead of being a direct grant of money for the purchase and transportation of provisions. General Cass voted against this amendment, moved by his political and personal friend. He preferred that the measure should be a direct grant of money for relief purposes. The final vote on the passage of the bill was taken on the twenty-seventh of February, 1847, and General Cass voted for the bill, as he declared he should do when it was first introduced before the Senate.

General Cass gave a willing support to the leading measures of Mr. Polk's administration. He did so, because they accorded with his own opinions of what the good of the country required. He advocated and voted for the constitutional treasury, to enable the government to be its own banker—to collect, keep, and disburse its own moneys, without inflation of the currency, and free from the fear of and losses incidental to bankruptcy. He believed the measure expedient; and also that it was the only way of managing the public finances recognized in the Constitution.

He was opposed, upon principle, to a protective tariff. He believed it to be unequal in its operations, and unnecessarily oppressive to large portions of our people. It was class legislation, favoring the few at the expense of the many. His vote,

consequently, stands recorded against the tariff of 1842, and in favor of that passed in 1846, and which is still in full force.

He supported the bill to enable the President to take temporary military possession of Yucatan. The correspondence between the Secretary of State and the commissioner from that country, was laid before the Senate in May, 1848. From that, it appeared that the blacks and the Indians had murdered the white population, burnt and sacked the towns, and the people of that country solicited relief. Subsequently, the Committee on Foreign Affairs reported a bill for that purpose. Yucatan had also sought protection from England and Spain. This circumstance furnished an additional reason to induce General Cass to give the bill his support. The interference in the domestic affairs of a neighboring country, contemplated by this bill, was an important step in the policy of preventing any foreign government from planting its standard on this continent. We quote what he says on this point:

“During the palmy days of Napoleon, it is said that one of his projects was to convert the Mediterranean into a French lake. England has nearly done what defied the power and ambition of the great conqueror. She has almost converted it into an English lake in time of war. Gibraltar commands its entrance, Malta the channel between Sicily and Africa, and the Ionian Islands the waters of the Levant. There were good reasons for believing, a short time since, that England was seeking to obtain a cession of the island of Crete, the ancient kingdom of Minos, which would give her the port of Canea—that I found one of the most magnificent harbors in the world, equally capacious and secure. If England, in the pursuit of the same system, should acquire similar commanding positions on the Gulf of Mexico, that great reservoir would become a *mare clausum*, and no keel would plow it, nor canvass whiten it, in time of war, but by her permission. Now, sir, looking to the extent of our coast in that direction—to the productions which must pass there to seek a market—to the nature of our population—and to the effect upon all these, which a permanent naval superiority would produce—where is the American who is not prepared to adopt any measures to avert such a calamitous state of things? Who can fail to see the nature of the predatory warfare which England would carry on, in all times of hostilities, from her various positions, which would encircle the Gulf from the Bahamas to Cuba and to Yucatan? and who, also,

can fail to see that, even in time of peace, her many harbors would become places of refuge for a certain class of our population, and that perpetual collisions would occur, involving the peace of the two countries?

"The Gulf of Mexico, sir, must be practically an American lake, for the great purpose of security; not to exclude other nations from its enjoyment, but to prevent any dominant power, with foreign or remote interests, from controlling its navigation. It becomes us to look our difficulties in the face. Nothing is gained by blinking a great question. Prudent statesmen should survey it, and, as far as may be, provide for it. We have, indeed, no Mount Carmel, like that of Judea, nor prophet to ascend it and to warn us against a coming storm, but the home of every citizen is a Mount Carmel for us, whence he can survey the approaching cloud, even when no bigger than a man's hand, which threatens to overspread the political atmosphere, and to burst in danger upon his country. It should be a cardinal principle in our policy, never to be lost sight of, that the command of the Gulf of Mexico must never pass into foreign hands. Its great geographical features indicate at once our safety and our danger. From the southern point of Florida to Yucatan, the chord of the arc does not probably exceed two hundred and fifty miles—a shorter distance than that from Yucatan to Vera Cruz. From the southern point of Florida to Cuba, it is not more than forty miles; and from the western extremity of Cuba to the peninsula of Yucatan, it is not more than sixty miles. These two outlets—the latter into the Caribbean sea, and the former into the Atlantic ocean—do not, therefore, exceed one hundred miles in their united width, and together make the exit and entrance of the Gulf. Opposite the mouth of the Mississippi is the noble harbor of Havana, almost within sight of which the whole commerce of the Gulf passes. England has already got the Bahama Islands, with the port of Nassau, and other positions. So long as Cuba and Yucatan are held by their present possessors, neither we nor the commercial world have anything to fear from English projects, whatever they may be. But let their dominion be transferred to England, and where are we? The mouth of our great river might, at any time, be hermetically sealed, and the most disastrous injuries inflicted upon us. One important step, in the command of the outlet of the Gulf of Mexico, she has already taken, by the possession of

the Bahamas. If she gets peaceable possession of Yucatan, by our remissness, she will have taken the second. Cuba may be the last. I will ask the distinguished senator from South Carolina if he would advocate the interference of this country, by force, if England were attempting by force to take possession of Yucatan; and, if he would—as I believe he would—how can he consent to permit her to do peacefully what we may peacefully prevent? I have already, sir, alluded to the effects which steam navigation is to produce upon the commercial and military marine of the world; and the various harbors and inlets of these possessions would be rendezvous whence armed steam vessels would issue to prey upon our commerce, to close the great channels of communication, or to carry on marauding expeditions against our coast.”

CHAPTER XXXVIII.

The Baltimore Convention of 1848—The New York Difficulties—General Cass again named for the Presidency—His Nomination—Resigns his Senatorship—The Canvass before the People—The Buffalo Convention—The Clay Letter of 1825—The Result.

As the time drew near for another Presidential election, the National Democratic Committee, in pursuance of usage, designated the twenty-second of May, 1848, at Baltimore, as the time and place for the holding of the Democratic convention. Democratic politicians, in all the States, began the incipient movements for the campaign; Democratic presses began to fill the newspapers with columns of editorial matter relative to the nominee, on the question of preference; primary assemblages, composed of persons who adhered with tenacity to the political tenets of Jefferson and Jackson, canvassed the merits and demerits of the prominent men suggested for the Presidency, and, by resolve, indicated, in many instances, their preferences; States were delegated, with and without instruction as to their vote in the convention. In all, save one, the party was a unit on the delegates selected, and evinced a willingness to abide by their action. This exception was the Empire State of New York.

In the State of New York there were two party organizations, each professing to be regular, and claiming the right to speak for all the Democracy within the limits of the commonwealth. This double-headed organization had its origin in domestic difficulties, which occurred in October, 1847. A State convention convened in the city of Syracuse in the latter part of September in that year, extending its deliberations into the following month. The convention was called to nominate candidates for State officers, and the delegates to it were acrimoniously contested in nearly every county. In many instances dissatisfaction was openly proclaimed; and, on the organization of the convention at Syracuse, there appeared many contestants for seats in that body. The adjustment of these difficulties consumed much time, and produced great acerbity of feeling among the members and a numerous and excited lobby.

Finally, the convention, in due order of business, reached the resolutions. Not two months before, Mr. Wilmot had offered his celebrated *proviso* in Congress. Several of the Democratic members of Congress from New York had voted for that proviso, and many of these gentlemen now had seats in this convention. Naturally enough, they wished the convention to endorse their congressional action, and declared, in unmistakable language, that the *proviso* must thereafter be the chief corner stone in all Democratic platforms. Several delegates interposed their objections, and declared, in as unmistakable language, that they could not, consistently with their political antecedents, consent to any new platform on the subject of slavery, and deprecated in their speeches any incipient steps in relation thereto.

The debate resulted in a motion to lay the proviso on the table, which was carried, on a division by ayes and noes, and the convention adjourned *sine die*, amid much noise and confusion.

The provisoists in a few days assembled in mass convention, in the village of Herkimer, and resolved that they were against the introduction of slavery into any new territory, and that Mr. Wilmot was right, and that, thereafter, the doctrine contained in his amendment would be regarded by them as of vital importance in all party movements. They also resolved that the decision of the then late Syracuse convention on contested seats was all wrong; that the action of the convention was not obligatory upon Democrats; and, by solemn resolve, repudiated the nominated ticket of State officers. On the contrary, those members of the convention who constituted the majority, returned to their several homes, and gave the ticket their usual cordial support.

Here, then, were two party organizations—both professedly within the lines of the *same* party, and each claiming the right to act for New York with the Democratic party of the nation.

Public opinion, as indicated in the various State conventions, pointed to General Cass, and gradually but steadily settled upon him as the Democratic candidate for the Presidency. The numerous manifestations of public feeling evidenced the fact that he was the favorite candidate of the Democracy of a majority of the States, and of the Democratic party within those respective States. Indeed, all over the Union, excepting those States having a distinguished citizen of their own aspiring for the Presidency, public sentiment pointed to him. Endowed by nature with great physical

and mental energy, and the latter highly cultivated by science and experience; trusted with official power and responsibility by Jefferson, Madison, Monroe, Jackson, and Van Buren, and honored with the confidence of Polk, he had shown himself worthy and competent to tread in the footsteps of these distinguished statesmen. In his views on the Oregon question, on the slavery question, on the tariff, currency, annexation of territory, and foreign interference, he looked upon the entire country as alike interested, and, in acting upon them, he was governed by what, in his judgment, seemed most beneficial to all. Many of the eminent statesmen of the country thought it was most fit that such a man should be at the head of the government at a time when agitation, party spirit, and an unhealthy sentiment on some topics, prevailed to a greater or less extent.

The nominating convention convened at Baltimore on the day designated. Andrew Stevenson, of Virginia, was selected to preside over its deliberations. As was anticipated, two sets of delegates appeared, with credentials in their hands, from New York. After an elaborate discussion, running through three days, the convention ruled to admit both delegations, with the right to cast, altogether, the vote of New York. The delegation known as Barnburners protested against this decision, and retired from the convention. The delegation known as Hunkers, remained, but declined to cast the vote of the State. The former were understood to be opposed to the nomination of General Cass; the latter, in his favor.

The primitive cause of the double-headed organization above alluded to, dates back to an anterior period. It had its origin in the winter of 1838, when Mr. Van Buren—then President of the United States—broached the financial measure of an independent treasury. A portion of the Democracy of New York at first disapproved of it, and were known in political nomenclature as *Conservatives*. But a short period of time intervened, however, before this cognomen was merged again in the word Democratic, and the Conservatives as well as the Hard Currency Men again shared victory and defeat. The Democratic party of the State passed into a minority for a brief season, and, upon restoration to place and power, once more divided; but the division this time was upon the financial policy of the State. This diversity of opinion strengthened at the capital, and gradually spread its

influence in all parts of the empire commonwealth. At length, in 1843, this diversity of sentiment widened, so as to embrace the national question of the annexation of Texas; and then, in a modified form, the immediate annexation to the United States of all the country known as Texas, as far south as the Rio Grande. William L. Marcy was the recognized leader of those who were in favor of annexation, and Silas Wright of those who were disposed "to wait a time in patience." In the meantime, Mr. Van Buren—a prominent candidate for the Presidency—was interrogated as to his views upon this, then the great political question of the day, and such was his response that the national Democratic Convention of 1844 set him aside for James K. Polk, of Tennessee, as the reader already has been apprised. Immediately upon the adjournment of this national convention, a circular—commonly known as the Secret Circular—emanated from several gentlemen supposed to be privy to the confidential views of Mr. Van Buren, and circulated among prominent Democrats in the State of New York, who were supposed to be imbued with similar views, suggesting the propriety of giving particular attention to the Congressional canvass that was to occur simultaneously with the Presidential, leaving an impression upon the minds of those who were in favor of annexation, that the design was to let the electoral ticket float without chart or compass.

As was quite natural, those who were content with the final action of the National Convention, were somewhat alarmed at this unlooked for and unprecedented proceeding. They redoubled their energies for the success of the Presidential ticket, and Mr. Wright was nominated for the office of Governor, and triumphantly elected. His majority was some five thousand higher than that cast for the electoral ticket; this discrepancy confirmed the suspicion on the part of the Annexationists, that all the friends of Mr. Wright had not cast their suffrages for Mr. Polk.

As the day approached for the inauguration of Mr. Polk, in March, 1845, much interest was felt in the caste of the Cabinet. Inasmuch as New York had cast her electoral votes—then thirty-six in number—for the successful candidate, it was taken for granted that she would be honored with a seat. Governor Marcy was named by the Annexationists, and Asariah C. Flagg by the personal friends of Governor Wright. After an animated struggle, Governor Marcy was invited to the War Department. Under

the circumstances, this selection seemed very obnoxious to the supporters of his competitor, and much murmuring ensued. This dissatisfaction, nevertheless, was more or less held in abeyance until the close of the year 1846, when, upon the retirement of Governor Wright from the gubernatorial chair, the pent-up feeling burst the barriers of prudence, and crimination and recrimination were freely indulged by all grades and classes. Congressional appropriations to conquer a peace with Mexico occasioned the introduction of the *Wilmot proviso*, and the *Wilmot proviso* ruptured the harmony of the Democratic party in New York, and finally rent it in twain. *Pari passu* with the progress of the events above referred to, there were numerous intrigues and schemes for personal advancement among the leaders and the led on all sides, the details of which we omit to elucidate.

To recur to the convention. In conformity to precedent, the two third rule was adopted, and the convention proceeded to take a ballot for the nominee. The result of the first ballot was announced as follows:

Lewis Cass, of Michigan, one hundred and twenty-five votes;
James Buchanan, of Pennsylvania, fifty-five votes;
Levi Woodbury, of New Hampshire, fifty-three votes;
John C. Calhoun, of South Carolina, nine votes;
William J. Worth, of the United States Army, six votes;
George M. Dallas, of Pennsylvania, three votes. (Florida and New York not voting.)

The whole number of votes cast on this ballot was therefore two hundred and fifty-one; and the necessary number for a choice was one hundred and sixty-seven. No one having received this number, a second ballot was taken, and announced as follows:

Cass, one hundred and thirty-three votes;
Woodbury, fifty-six votes;
Buchanan, fifty-four votes;
Worth, five votes;
Dallas, three votes. (Florida and New York not voting.)

No one receiving two thirds of the votes cast, the convention proceeded to a third ballot, with the following result:

Cass, one hundred and fifty-six votes;
Woodbury, fifty-three votes;
Buchanan, forty votes;
Worth, five votes. (New York not voting.)

The necessary number (Florida having voted) was one hundred and sixty-nine. The States were again called, and on the fourth balloting the following result was attained :

Cass, one hundred and seventy-nine votes;

Woodbury, thirty-eight votes;

Buchanan, thirty-three votes;

Butler, three votes;

Worth, one vote, (New York not voting)—in all two hundred and fifty-four votes. General Cass had received two thirds and ten to spare, and was declared the nominee of the convention for President of the United States. This was received with enthusiastic applause, the members of the several delegations almost instantaneously and universally springing to their feet, and uniting in one spirit-stirring shout of approbation.

William O. Butler, of Kentucky, was nominated for Vice-President; and, with the adoption of resolutions and the ordinary business of a nominating convention, the members separated for their homes, full of confidence and strong in the expectation of victory.

Mr. Stevenson, the president of the convention, on taking leave of it, took occasion to pay the following tribute to the character and capacity of their nominee for President :

“I congratulate you,” said he, “and the country upon the issue of your deliberations. I rejoice that you have done that which I knew you would do—honored yourselves, honored the party, honored the country, by presenting two candidates worthy—most worthy—to fill these high and distinguished stations. Gentlemen, you have discharged that duty. With one of these nominees I have been intimate from early life. I know him well. I have observed him at home and abroad, and I can say, unhesitatingly, that if there be one man of stainless character—if there be one man whose claims to public confidence are founded upon private virtue, that man is LEWIS CASS.”

General Cass was notified of his nomination at Washington, where he then was, and, with grateful appreciation of the partiality and confidence of the convention, accepted it in a handsomely written letter, and in which he took occasion to express his unreserved approval of the resolutions which the convention had adopted.

On accepting this nomination, General Cass resigned his seat in the Senate, and retired to his residence at Detroit. His route

homeward was a continued scene of welcome. In all the principal towns through which he passed he was received with every manifestation of respect. Congratulatory addresses were made to him, and the Democracy everywhere proclaimed their approval of the nomination, so far as public expression was given.

In a few days, the Whig National Convention met in Philadelphia, and, casting aside all their favorite statesmen, nominated General Zachary Taylor for the office of President—taking him up on the score of availability. His military successes on the Rio Grande, before the walls of Monterey, and on the plain of Buena Vista, were his recommendations. These startling achievements had won for him a high place in the affections of the people, and his friends had brought him forward at an early day. Letters reached him, one after the other, in Mexico, asking him to declare himself a candidate for the Presidency. To these letters it was his wont to reply, that he was ready to receive the votes of all, without distinction of party, who were disposed to sustain him. He declared that he had no particular politics, and had not been in the habit of availing himself of the right of suffrage. He did not appear to desire the nomination of either of the political parties, but was willing to receive the support of all at the polls. Efforts were made to commit him to the support of certain political dogmas, and, if elected, to a pledge to adhere to them in his administration; but without avail. He expressed his unalterable determination to stand upon the no-party platform. And thus he remained to the moment of his nomination by the Philadelphia convention; and that convention adjourned without any declaration of principles for the public eye. This action—so peculiar and novel for a delegated political body—gave umbrage to many of the staunch, and intelligent, and influential Whigs, in various quarters. Some of them went so far as to repudiate the nomination openly, and, without stint, to express their abhorrence at this unexpected result of the deliberations of the convention.

In the meantime, the Barnburners of New York called and held a delegated convention at the city of Utica; and inasmuch as the Baltimore Convention had precluded them from casting the undivided vote of their State in that convention, they resolved to oppose the nominees in the canvass, and designated Martin Van Buren as the man for whom they should vote for the office of President. The evident disaffection prevailing among the Whigs

encouraged and emboldened them in their efforts. That class of citizens at the North, who had been known in the political world as Abolitionists, believed that they might fraternize with the Barnburners and disaffected Whigs, throughout the northern and north-western States; and if a combination could be made, a choice of President and Vice-President in the electoral colleges might be prevented, and the election of these high officers be transferred to the House of Representatives. A plan was soon devised to bring all these conflicting elements into a consolidated policy of action, and a mass convention assembled at the city of Buffalo, in the month of August, for the purpose of achieving this result.

There were a large number in attendance from the States of Massachusetts, New York, and Ohio. Other northern and north-western States were represented by smaller delegations. The deliberations extended through three days, and resulted in an agreement to support Mr. Van Buren for the office of President, and Charles F. Adams, of Boston, for Vice-President. This latter gentleman was a son of John Quincy Adams, and in attendance on the convention. Both himself and Mr. Van Buren accepted the nomination; and their supporters, with the platform of *free soil, free speech, and free men*, worked with energy to draw off voters from the Democratic and Whig parties.

The acceptance of this nomination, from such a constituency, by Mr. Van Buren, surprised and mortified thousands of his old friends and partizans, and occasioned much unpleasant crimination and recrimination. Many of them insisted that his conduct was only reconcilable with the supposition, that, since 1844, he had nurtured in his bosom, in the peaceful quietude of Lindenwald, a deep resentment against the Democratic party, and resorted to this mode of gratifying it, in the hope that the defeat of that party in this struggle would be inevitably permanent. What rendered his course more reprehensible than it otherwise would have been, was the fact, that the doctrines in regard to slavery, promulgated by the convention that nominated General Cass, were identical with those adopted by the convention of 1840, which nominated Mr. Van Buren; and that the resolutions of the last named convention were drawn by Silas Wright, and, as was generally understood, examined and approved by Mr. Van Buren prior to their adoption by the convention. The late

Governor Hill, of New Hampshire, stated in a letter, that Mr. Van Buren not only approved of the resolutions referred to, but suggested that the resolution relating to slavery should be pointed and unequivocal; and that, upon his suggestion, the concluding clause of that resolution was added to the draft, namely: "That all efforts of the Abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

The Democratic platforms of 1840—of 1844—of 1848—were identical on all questions relating to slavery. With reference to its extension or non-extension, on what should be the policy with reference to the government of new territories that might be acquired, nothing was said. That subject was still open for consideration.

The action of the Buffalo Convention completed the programme of the Presidential campaign of 1848. There were three tickets in the field: Cass and Butler, Democratic—Taylor and Fillmore, Whig—Van Buren and Adams, Free Soil. As the canvass progressed, it became very personal. Partizan spirit was intensely excited: the Whigs, generally, in the northern States, really did not care so much for the election of their nominated candidates as they did for the defeat of General Cass. The free-soilers preferred the defeat of Mr. Van Buren to the success of the Democratic candidate; and thus, in effect, General Cass was at all times and on all occasions the main point of attack. His political opinions were misrepresented—his private character was maligned in every manner that could be divined by vigilant and skillful politicians. The rubbish of times long gone by were raked up to see if something could not be discovered to be used as a make-weight against him. True, he had served his government for full forty years, and during that time had disbursed hundreds of thousands of dollars for the government. [But it came out upon the call of Congress and the consequent report of the Treasury Department, that his accounts were balanced, and that he did not owe the United States one cent.] True, when Henry Clay—the intrepid champion of the war measures of Mr. Madison, whose patriotic

services are written upon the history of our country, and whose memory is impressed upon the hearts of his countrymen—was elevated to the premiership of Mr. John Quincy Adams' administration, General Cass wrote him a letter congratulating him on his personal advancement; but not a blot upon the bright pages of his own political history could be found. His record was clean. Of a patriotic and democratic ancestry, he had not dishonored it; but in all his actions, private or public, personal or political, he stood on an eminence too high to be reached by the shafts of envy or malevolence.

The Democrats of the whole country were alive to their duty. The efforts of the opposition were too vigorous and tireless for them to remain idle. There was not a city, village, or hamlet, from the lakes to the Rio Grande, that was not canvassed; and when the polls closed, he had no occasion to be ashamed of the result. Fifteen States—or half the entire number—cast their electoral vote for Lewis Cass: the remaining fifteen for Zachary Taylor. The name of Martin Van Buren does not appear on the returns from the electoral colleges. The States of New York and Pennsylvania voted for the Whig candidate, and outnumbered the Democratic candidate thirty-six electoral votes. The aggregate vote of the people amounted to 2,872,000, of which General Cass received 1,219,962—General Taylor, 1,360,752—Mr. Van Buren, 291,342, of which 120,000 came from New York—thus plainly showing that he diverted a sufficient number of Democratic voters from their accustomed allegiance to party to turn the scale in favor of General Taylor. Taking into consideration the vote for Mr. Van Buren, General Cass received a very large majority of the votes of the people over General Taylor; but the sixty-two electoral votes of New York and Pennsylvania turned the scale, and the hero of Buena Vista was, in due time, declared elected President of the United States.

To this decision no one submitted more cheerfully than General Cass. He had no regrets. The Democratic party was defeated; but the polls told, too plainly to be mistaken, that it was not vanquished; and that its principles, and its distinguished candidate, still lived in the hearts of American freemen.

The Presidential vote in the electoral colleges, as announced in the House of Representatives, stood thus:

For LEWIS CASS—

Maine, nine votes;
New Hampshire, six votes;
Virginia, seventeen votes;
South Carolina, nine votes;
Ohio, twenty-three votes;
Indiana, twelve votes;
Illinois, nine votes;
Michigan, five votes;
Wisconsin, four votes;
Iowa, four votes;
Missouri, seven votes;
Mississippi, six votes;
Alabama, nine votes;
Texas, four votes;
Arkansas, three votes;—one hundred and twenty-seven votes.

For ZACHARY TAYLOR—

Massachusetts, twelve votes;
Rhode Island, four votes;
Connecticut, six votes;
Vermont, six votes;
New York, thirty-six votes;
New Jersey, seven votes;
Pennsylvania, twenty-six votes;
Delaware, three votes;
Maryland, eight votes;
North Carolina, eleven votes;
Georgia, ten votes;
Kentucky, twelve votes;
Tennessee, thirteen votes;
Louisiana, six votes;
Florida, three votes;—one hundred and sixty-three votes.

The entire north-west—Missouri included—in one unbroken column, pronounced for the Democratic nominee—the man who had wintered and summered with them, and never deserted their interests. His native State, although voting for Mr. Woodbury in the nominating convention, did not forget her son at the polls. Surely General Cass had no reason to be restless at such a result.

The Wilmot proviso had done its work. It alone had caused the defeat. Upon calm reflection, and in the exercise of dispassion-

sionate judgment, after the smoke and roar of the battle had passed away, General Cass was better satisfied than ever with his position upon that exciting topic. He believed that he had not abandoned the faith of his fathers, and was still within the pale of the Democratic church. It was alleged against him, as for years previously against Mr. Van Buren, that he was a *dough-face* on the subject of slavery; but the glorious vote of the old north-west territory repudiated the charge. It was urged that his reliance was upon the southern States; but a majority of the slave States had voted for his competitor, and a majority of the free States had voted for himself. In every aspect, then, as he reviewed the field of battle, the position was rightly taken; and all that now remained for him to do, was quietly to pursue the even tenor of his way, diverging neither to the right nor the left, strong in the integrity of his own political career, and impressed with an unalterable conviction that the doctrines enunciated by the Baltimore Convention were alone compatible with the prosperity of his country and the perpetuity of the Union.

It may not be uninteresting for the reader to know with what philosophic coolness General Cass received the result.

It was about midnight of the day of the Presidential election in 1848, that Mr. Ledyard, his son-in-law, handed to the General a telegraphic dispatch from an esteemed friend—Wilson McCandless, of Pittsburgh—which gave the returns from Alleghany Co., Pennsylvania. The General, upon reading the dispatch, at once remarked, "that the whole question was settled; the election had resulted in favor of General Taylor, and that he was going to bed," and he did so, and slept soundly.

The next morning he was waited upon by a committee of the New England Society of Michigan, and invited to deliver the annual address at its then approaching anniversary. He accepted the invitation, and that evening commenced to write what proved to be one of his best literary efforts. It was a wonderful instance of philosophical submission to the defeat of his aspirations to the highest prize in our political lists.

He commenced his address before the society on the 22d of December, 1848, in the following beautiful style:

"It was a bleak and sterile coast, and an arctic winter began to brood over sea and land. Neither man nor his works disturbed the solitude of nature. All was dreary, silent and desolate—all,

save a tempest-tossed bark, with its weary inmates, which, two hundred and twenty-eight years ago, approached the shore of the new continent, then recently made known to the inhabitants of the old. For sixty-three days, this feeble vessel had plowed the ocean, leaving behind it many of the associations dearest to man, and many of the intellectual and physical enjoyments which make life desirable, and having before it an unknown world, unknown indeed in its great features, but known to be covered with a primitive forest, stretching beyond human knowledge, and almost beyond human imagination, inhabited by fierce and roving savages, and offering nothing but to laborious exertion defended by constancy and courage. This sterile coast, thus approached, was New England; this tempest-tossed bark was the Mayflower, and its passengers were the Pilgrims."

As his mind lingered upon the departure of the Pilgrims from their father-land, his imagination seized upon their last act on their native coast, and pictured the solemn transaction with the colors of reality.

"And now came the embarkation; the first act in the great drama of their pilgrimage. The Mayflower, — I pass over the history of her consort, as she did not reach America, — the Mayflower, destined to become their ark across the ocean, was ready to receive them at the small port of Delft, in Holland. The little colony, male and female, youth, manhood and old age, marched in solemn procession to the strand, and here occurred an impressive scene, one of those incidents which mark the character of events, and leaves its impress upon history during all time to come. The departing band kneeled down upon the beach, and their venerable pastor blessed their enterprise, and commended all, with all their interests, to Him who made the sea and land, and could save them from the perils of the deep, as he saved his chosen people, and guided them in his own miraculous path through the waters of the Red sea.

"And on the strand of the ocean, in that temple not made with hands, was the last offering of the Pilgrims. The old cathedrals of Europe are imposing structures, powerfully affecting the human imagination, and preparing the human mind for the solemn duties of religion. Their dim light, mellowed by the stained glass, painted with interesting scenes from biblical story, their lofty arches, their clustered columns, their long aisles, their silence and

their magnitude, and the centuries that have passed over them, with the memory of the numberless host who worshiped there and have now gone to their account, all these impress the faculties with awe, and while they shut out external nature, they invite man to the contemplation of himself and of his relation to the Creator. But the shore of the ocean was the cathedral of the exiles. They had the blue firmament of heaven, God's own canopy, over them; their altar was the tide-worn beach, where land and water had met and contended for mastery since the creation; around them was the coast of Europe, they were about to leave, and the broad Atlantic, they were about to cross, rolling its surges upon the strand, and mingling its mighty voice with the voice of the preacher; and between them, their wives and children, and the forest of the new world, was nothing but the sky and the water, and the wonders of the great deep. And thus they prayed and departed."

He possesses kindly feelings towards his political opponents, although strong in his attachment to political friends, and firm and ardent in his political faith. Years afterwards, he obtained from President Pierce a commission in the army for the grandson of General Taylor, who was then in his grave.

CHAPTER XXXIX.

Re-election to the Senatorship—General Cass proceeds to Washington—Reception in New York City—Campbell P. White and others address him—Invited to a Public Dinner—His Letter of Declension—In the Senate again—Wilnot Proviso—Instructed to vote for it—Declines—Instruction repealed—General Cass' Motives impugned—Charged with Inconsistency—The Refutation.

The Legislature of Michigan, in January, 1849, returned General Cass to the United States Senate, to fill the vacancy occasioned by his resignation. This was in accordance with the general wish of the Democratic party in Michigan, and elsewhere, and he immediately resumed his seat in that body.

On his way to Washington in the following autumn, he was waited on by many of his fellow-citizens in the city of New York, and invited to partake of their hospitality. The following correspondence was of importance at the time, as disclosing his opinions and position on the difficult questions that then presented themselves on the horizon, relative to the newly acquired territories of New Mexico and California.

"NEW YORK, November 21st, 1849.

"HON. LEWIS CASS. SIR:—Even amid the fierce contests of party, all men have awarded to you the praise and admiration due to one who has so highly distinguished himself as the father of the west, a soldier in war, a statesman in peace, an eloquent advocate and defender of the honor of his country, both in her councils at home and her representation abroad; and, therefore, you can not be surprised to learn that the Democracy of this city, whose leader and champion you are, regard you with an affection almost filial. Your arrival in this city affords them the long desired opportunity to testify to you the sincerity of their devotion, as ardent now as when they were struggling to crown you with the highest honor of the republic. To enable them to do so, we respectfully solicit you to name some day when you will partake of a public dinner, at which, we are well assured, you will be joined by those who can and do appreciate the eminent services

of one who has devoted his whole life to the good of his fellow-men, and contributed so much to the permanency of the Union, the happiness of our people, and the elevation of our national character.

“With sentiments of profound respect,

“We are, sir,

“Your Democratic fellow-citizens,

CAMPBELL P. WHITE,
HENRY M. WESTERN,
JAMES C. STONEALL,
C. S. BOGARDUS,
C. W. LAWRENCE,
HENRY NICOLL,
M. D. FRENCH,
JOHN M. BRADHURST,
J. W. BELL,
CHARLES O'CONNER,
EDWARD C. WEST,

HENRY STORMS,
EDWARD STRAHAN,
LORENZO B. SHEPARD,
GUSTAVUS A. CONOVER,
DANIEL E. DELAVAN,
JOHN J. CISCO,
DANIEL E. SICKLES,
ROBERT J. DILLON,
JAMES M. SMITH, JR.,
JOHN AUG. BOGART,
and many others.”

“NEW YORK, November, 26th, 1849.

“GENTLEMEN:—I thank you for the honor you have conferred on me, by the offer of a public dinner; and while I decline the invitation, which I trust you will excuse me for doing, I can not withhold the expression of my feelings for such a testimonial of regard from the Democracy of this great city. I shall cherish it with grateful recollection during life.

“I thank you, also, for the favorable terms in which you have been pleased to allude to my position and services. These, I am very sensible, have few claims to consideration, but such as are derived from your kind partiality. An emigrant to the West in early youth, the better portion of my life has been passed in that great contest with nature in which the forest has given way and an empire has arisen, already among the most magnificent creations of human industry and enterprise. Placed in a geographical position to exert a powerful influence upon the duration of this confederacy of republics, attached to the Union and to the whole Union, and attached equally to the principles of freedom, and to the Constitution by which these are guarded and secured, should

the time ever come—as I trust it will not—and come whence and why it may, when dissolution shall find advocates, and the hand of violence shall attempt to sever the bond that holds us together, the West will rise up as one man to stay a deed so fatal to the cause of liberty here and throughout the world—ay, and it will be stayed. Success can never hallow the effort. If we are not struck by judicial blindness, we shall hold on to the Constitution with a tenacity defying time and accident, thanking the God of our fathers, and our own God, for political institutions which have secured to us a greater measure of national prosperity than it has ever been the lot of any people before us to enjoy.

“We have but one danger to fear. As to military power and the general corruption of manners and morals—causes to which history attributes the fall of many republics in ancient and in modern days—I believe, if they are not the last, they are among the last of the evils we have to apprehend. Our future would be all the patriot could desire, if that future contained no other seeds of danger than these. The prophetic sagacity of Washington foresaw and foretold the true danger which threatens us: the danger of sectional interests and passions arraying one portion of the Union against another. A spirit of compromise was necessary to create this confederation, and it is equally necessary to preserve it in its integrity and efficiency. When questions come, deeply affecting the country, and dividing it by geographical lines, then comes the time of trial, which no true American can contemplate without anxiety. It is seldom that such issues can be presented when mutual forbearance is not dictated alike by duty and by wisdom. If one half of a great country, abandoning all other differences of opinion, is unanimous in its sentiments upon any measure of internal policy locally affecting itself, its citizens should meet from their countrymen of the other section kindness, and not denunciation; argument, and not recrimination; and a desire to reconcile conflicting opinions as harmoniously as is compatible with the nature of the controversy. No such views, respecting their rights or their position, can be so held by an extensive community without the existence of forcible considerations which call for careful inquiry, and for a wise as well as a kind decision. In this spirit should sectional questions be discussed; and, if they are so, they will bring with them no danger, but will furnish

additional motives for union, and will contribute powerfully to our strength and prosperity.

“I am, gentlemen, with great respect,

“Your obedient servant,

“LEWIS CASS.

“CAMPBELL P. WHITE, ESQ., and others.”

The first session of the thirty-first Congress, in 1849–50, was prolific with propositions, resolutions, and bills, that augured no good to the internal peace of the country. The southern members had long complained of trespasses upon their rights as members of the confederacy. This feeling was not confined simply to their peculiar domestic institutions, but extended to commercial and monetary matters. The politicians of the north retorted; and this crimination and recrimination, increasing in bitterness and exasperation, culminated at this session of Congress. Mr. Hale—a senator from New Hampshire—even went so far as to present a petition to dissolve the Union, and asked for its reception and consideration by the Senate. It was evident enough to the wise statesmen of the land, that an evil of portentous magnitude was suspended over the country—being no less than civil war, with all its horrors—unless this discord and dissension were removed. Eminent men from both sections, north and south, and from both the Democratic and Whig parties, paused to unite in devising some measures to allay the irritation. They saw that, if the spirit of compromise was necessary at the formation of the Constitution, it was now still more so. Several measures were suggested, and offered in Congress. Mr. Clay, of Kentucky, Mr. Bell, of Tennessee, and Mr. Foote, of Mississippi, respectively proposed measures to compromise and adjust all questions in controversy between the free and slave States, relative to the subject of slavery. The propositions of Messrs. Clay and Bell were embraced in a series of resolutions, which elicited much discussion. Mr. Foote simply introduced a resolution to the effect, that it was the duty of Congress, at that session, to establish suitable territorial governments for California, New Mexico, and Deseret. General Cass supported this resolution with his accustomed zeal and ability. Mr. Hale gave notice that he should move the Wilmot proviso as an amendment, to be attached to the resolution, and thus again brought up that vexed and exciting point for discussion.

Much had been said, during the Presidential canvass of 1848, with reference to the principles of legislation shadowed forth in the Nicholson letter; and General Cass availed himself of this opportunity to give his views at still greater length. He contended that Congress was not vested with unlimited power of legislation over the Territories. He insisted that there was a wide difference between the right to institute governments for Territories and the right to legislate over their internal concerns.

"It was precisely this claim of unlimited legislation which led to our revolutionary struggle, and to our separation from England. And I must confess I have listened with amazement, in this hall of American legislation, to the long and subtle metaphysical inquiries into the rights of sovereignty, and the power it brings with it, as if the rights of sovereignty were everything, and the rights of man nothing. It is a revival almost, in terms, of the discussions between the parent country and the colonies, but in which we have changed places, and now assume to exercise the very power—the power of legislation without representation—which we first denied in argument, and then resisted in arms. The British statesmen could not understand what practical limits there could be to the power of the sovereign Parliament over the colonies, and, as they found none in their constitution, they admitted none in their legislation. They could not elevate their eyes from their own narrow system to those fundamental principles of human freedom, 'written,' as Lord Chatham said, 'in the great volume of nature,' which are immutable and indestructible. They had one advantage, however, in the argument, of which we are deprived; they had an unwritten Constitution to appeal to, and a legislature to act, which, by the theory of their government, was omnipotent. When, therefore, the exercise of any power was brought into question, it was not necessary to establish its existence, but it was for those who opposed it to establish the limitations by which it was sought to be controlled. But the powers of our government are both defined and limited, and, before the authority of Congress can be brought to bear upon any subject, the constitutional grant of power must be clearly pointed out.

"Now, sir, it is no pleasant task to argue with any man who does not see, and feel, and acknowledge the difference between the right of unlimited legislation over distant regions, where there is no representation, and the right to organize governments, leaving

to the people to be affected by them to regulate their own concerns in their own way. The one may be necessary and defensible, and is reconcilable with practical liberty. There are no circumstances which require or justify the other, or which can reconcile its exercise with the great principles of human freedom. I am well aware that the Constitution has given to Congress the power of exclusive legislation over the seat of the federal government. That anomalous feature in our system had peculiar reasons for its introduction, and, though the condition of the people in the District places them at the disposal of a legislature neither elected by nor responsible to them, still there is a community of interest and of feeling, resulting from residence, personal intercommunication, and political associations, which temper the real despotism of the measure, and which can never exist between the members of Congress and a remote colony. And, above all, this right of exclusive legislation is one of the terms of the national compact, neither doubted nor susceptible of doubt.

“I have heard a good deal said upon this subject of uncontrolled legislation over the Territories, which is the very paraphrase of what was said by Lord North, Mr. Dundas, and by other members of the ministerial party in England, three quarters of a century ago. The lessons of experience are indeed too soon forgotten; but I did not suppose that the lessons taught us by our revolutionary fathers would so soon fade from the memory of the present generation. A great principle is involved in this controversy—the inseparable connection between legislation and representation. And what paramount necessity calls for its violation? Are not the people of the Territories competent to manage their own internal affairs? Are they not of us and with us?—bone of our bone and flesh of our flesh?—the same people, with the same views, habits, and intelligence; all, indeed, which constitutes national identity? aye, sir; and exhibiting, by the very act of emigration, a spirit of enterprise which commends them the more to our respect. Can not such a people administer their own government safely and wisely? Experience says they can. They have, in every instance, proved their capacity for self-government, and life, liberty, and property have been as well protected by their laws as by the laws of the States.

“It is clear, then, that there is no necessity for Congress to legislate for the Territories. They have never legislated exclusively;

and the very few instances of the exercise of such a power upon the statute book were not only unconstitutional, but were acts of supererogation, which the territorial legislature was much more competent than the national legislature to consider and determine to the satisfaction of the people of the Territory. It may be said, sir, that some of the recent acquisitions contain a considerable population foreign to our political institutions, and not as well qualified to appreciate them as our native or naturalized citizens who are familiar with their operations. But, sir, this objection — which, however, does not touch the principle — is entitled to no consideration as a practical one. There is not a territorial government we shall organize in which the majority of the active population will not be American citizens, emigrants from the older States, and in which this class of persons will not exercise a preponderating influence, controlling all public measures. What, then, have we to fear? The great issues of life and death are left to the people. No one calls this in question; and to the same trust may be committed, with equal safety, all the other objects of internal legislation.

“And the late proceedings in California to organize a government, and the constitution which has been the result, are the best proofs that could be offered of the capacity of the people to lay the foundations of their political institutions wisely and justly. What a practical comment is that constitution upon the doubts we have heard expressed, in this hall and out of it, respecting the intelligence of these remote Territories, and the necessity of restraining them by Congressional legislation. I know of no constitution in this broad Union where the principles of rational and progressive liberty are better secured than in this first great political offering from the shores of the Pacific.

“So much for the difference, both in principle and practice, between the power to institute governments for the Territories and the power of internal legislation over them. But this difference is not a mere speculative one, nor one which appeals only to the feelings of the American people and their representatives. It enters deeply into the question before us; into the constitutional power of Congress to legislate over the Territories, and thus presents itself on the very threshold of this inquiry.

“There is no clause in the Constitution which gives to Congress express power to pass any law respecting slavery in the

Territories. The authority is deduced from various sources, which I propose to examine by and by. But every construction which would give to a foreign legislature jurisdiction over this subject of slavery,—by foreign, I mean not elected by the people, to be affected by its acts, nor responsible to them,—would equally give it jurisdiction over every other department of life, social and political, in the Territories: over the relations of husband and wife, of parent and child, of guardian and ward, as well as over the relations of master and servant; and embracing within the sphere of its operations the whole circle of human rights, personal and political—life, liberty and property in all their various modes of enjoyment. I say ‘the power of Congress over slavery;’ for, if we have power to abolish it, or to exclude it, we have power to institute it. We possess complete jurisdiction over the subject; for there is no intellect, however acute, which can so limit the legislative right of action, if it exist at all, as to apply it to the exclusion of slavery, and withhold it from its institution. If any one doubts this proposition, let him turn to the Constitution and show the limitation. Before I can believe that such a power was granted, so remote from the objects of the government which the framers of the Constitution sought to establish, belonging exclusively to the local questions affecting the different communities into which we are divided, I must abandon many of the allusions I have cherished respecting the wisdom of the statesmen who composed the convention of 1787.

“We are all aware that there are various clauses of the Constitution, and various other sources, *foreign and domestic*, whence this right of unlimited legislation over the Territories is sought to be deduced. One of these, at least, is an express constitutional grant of power, and if it fairly includes the authority *to bind the Territories in all cases whatsoever*, then there is an end of this question, and we may pass this proviso and regulate all their other concerns at our pleasure. But there are other sources, accepted or rejected, as minds differently constituted take part in this controversy, whence this right is derived indirectly, as necessary to the exercise of some power found in the Constitution, or of some other power found out of the Constitution. It will hardly be denied,—the time for denial has not yet come, though appearances indicate it as fast approaching,—that these indirect or incidental powers are to be employed no further than is necessary to

meet the occasion which calls them into action. Derivative in their nature, they are limited in their exercise. They can not go beyond the legitimate object which is sought to be attained. If the necessity for social order in the Territories, as many, perhaps as most, of the speakers contend, is the true foundation of the right of Congress to legislate over them, it is a right which extends no farther than may be necessary and proper to fulfill this first duty of society. The means must be proper for the end, and proportioned to it; and if this end can be obtained by the establishment of local governments, there ceases the constitutional action of Congress, and the internal legislation should be committed to the people to be affected by it. It is essential, therefore, to ascertain whence this power comes, that we may ascertain how far it may go; essential, that we may not violate the Constitution; essential, that we may not violate a fundamental principle of freedom, the unalienable connection between representation and internal legislation; and essential, that the people of the Territories may conduct their own concerns in their own way—the very cardinal doctrine of American freedom.

“Reverting to the proposition that Congress has unlimited power of legislation over the Territories, the first reflection which strikes the inquirer is, that if this power were intended to be granted, nothing was more easy than for the convention to place the subject beyond doubt, by a plain expression of the object. Instead, then, of five or six clauses of the Constitution, some with remote relation to the subject, and some with none at all, which are in succession relied upon as the foundation of this power, we should have had a clear authority for the exercise of one of the highest attributes of government; the highest, indeed—the right of unlimited legislation. The clause most frequently quoted in support of this right is that which provides that ‘the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.’ But I have no hesitation in saying, that if general jurisdiction over life and liberty was intended to be granted by this provision, its phraseology is little creditable to the person who prepared it or to the body which adopted it. Heretofore the universal judgment of our country has pronounced that the Constitution of the United States is not less admirable for the force and perspicuity of its language, than for the principles

it establishes and the government it instituted. Proper words in proper places have been till now the characteristic feature of its mode of expression. But if the power *to make needful rules and regulations for the property of the United States*—for this is the grant, and all the grant—conveys full legislative authority over this property, and over all persons living in the same region of country, making man the mere incident of property, certainly never were words more unhappily chosen, nor a reputation for clearness and certainty more unjustly acquired. That the convention, when they intended to grant full legislative power, knew what terms to employ, is manifest from the phraseology of the provision for the government of the Federal District, and of places ceded ‘for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.’ Here the right to exercise exclusive legislation is given in express terms, admitting no doubt, and the very words are employed which are best adapted to convey the power intended to be granted, and no other power. When, therefore, a construction is put upon the authority *to make needful rules and regulations for property*, which carries it far beyond the obvious import of the words, those assuming this ground are bound to explain why similar language was not used to grant similar powers, and by what just rule of implication a phrase so limited is made to convey a power so unlimited. How is it that, in the same instrument, *to exercise exclusive legislation* and *to regulate property* convey equally a general jurisdiction over all the objects of human concern? No man has done this. No man has attempted to do it; and it is an obstacle, *in limine*, which, till removed, is insuperable.

“I have looked over the discussions on this subject with a view to ascertain whence this power is derived by the various speakers or writers who have taken part in this controversy, and it is not a little curious to analyze the different opinions, and to find what diversity of sentiment prevails respecting the true ground of Congressional interposition. There seems to be a sort of consentaneous admission that the power exists, but then comes the diversity of views when seeking to justify its exercise by the provisions of the Constitution.

“I will enumerate the most prominent of these suggestions, and then proceed to test them by the principles of the Constitution :

“1. The principal reliance, till recently, for the support of this

general power of legislation has been upon that clause of the Constitution, already quoted, which authorizes Congress to 'dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.' More recently, however, as the subject has been investigated, this clause has found less favor, and other provisions have, in succession, been brought forward as justifying Congressional interposition. Among these are—

" 2. The war and treaty-making powers.

" 3. The right to admit new States.

" 4. The right to sell the public lands.

" 5. The right of ownership.

" 6. The right or duty of settlement.

" 7. The right of sovereignty.

" 8. The nature of government.

" 9. Nationality.

" 10. The principles of agency and trust.

" 11. That provision of the Constitution which declares that 'all debts and engagements entered into before the adoption of the Constitution shall be as valid against the United States under this Constitution as under the Confederation.' The ordinance of 1787, it is contended, is one of these engagements, and the governments established by it are therefore recognized by the Constitution.

" 12. While it is admitted that the ordinance of 1787 was 'passed by the old Congress of the Confederation without authority from the States,' it is contended, not that the clause respecting 'debts and engagements' confirmed it, but that it 'had been tacitly confirmed by the adoption of the present Constitution and the authority given to Congress in it to make needful rules and regulations for the territory.'

"These various reasons are not selected here and there from speeches and essays, first separated from their natural connection and then arranged in a formidable column for the sake of effect, but they are each and all of them urged with zeal, and I doubt not with sincerity, as grounds for the constitutional action of Congress upon the subject of the Wilmot proviso.

"Much of the confusion which accompanies this subject has obviously arisen from the use we now make of the word '*territory*,' applying it to those political communities which are organized

under the name of Territorial governments, and considering it as so applied in the Constitution. Indeed, so prevalent is this notion, that in an address of the Democratic members of the legislature of New York, dated in April, 1848, this clause is quoted as though it read *territories* or ‘other property belonging to the United States,’ thus fixing upon the word its acquired political signification; and this example has been followed in the House of Representatives, where one of the most intelligent members says, ‘the Constitution speaks of territories belonging to the United States.’ This use came by time, for the ordinance of 1787 obviously employed the word territory as descriptive of a region of country belonging to the United States, and which had been ceded to them by the members of the Confederacy. The ‘Western Territory’ was its popular designation, and it is thus called in an act of the old Congress passed May 20th, 1785, entitled ‘An ordinance for ascertaining the mode of disposing of lands in the *Western Territory*.’ The meaning is here geographical, and not political; for no government was established there till more than two years after this period. And the proceedings of the old Congress abound with its use in that signification, proofs of which will be found in an act of April 13th, 1785, in another of May 9th, 1787, and in yet another of May 12th, of the same year, all before the passage of the ordinance for the government of the North-Western Territory. Then came that ordinance providing for the government of this region of country, this *territory*, or *land*, or *domain*, as it is indiscriminately called in the legislative and other official acts of that period. Its more appropriate political designation seems to have been ‘*district*,’ for the ordinance commences by declaring ‘that the said territory, [or region of country,] for the purposes of government, shall be one *district*, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.’ And these districts were each to constitute a government, with a governor and judges to ‘reside in the district,’ who are to ‘adopt and publish laws in the district,’ and eventually, with a partially elective legislature, having authority ‘to make laws in all cases for the good government of the district,’ &c.

“The territory, or region of country, is thus organized into a political district; and had these local communities, which we now call *Territories*, preserved this term, district, as descriptive of

their political organization, or been known as colonies, the English designation for remote possessions, we should probably never have heard of the extended construction now given to this power of *making needful rules for territory or land, and other property*. As in the ordinance, so in the Constitution, both adopted in the same year, the word territory retains its geographical signification, and it was only by time and custom that it sometimes came to mean political communities, distinct from the geographical region where these are established. But this use of the term, I repeat, was unknown at the time of the adoption of the Constitution.

“What, then, is the true import of this constitutional power, to make needful rules and regulations for the public property? If this were a question of the first impression, and a construction were now to be put upon this clause unembarrassed by practice or precedent, it is so clear in its phraseology and objects, that it is not probable there would be any diversity of opinion upon the subject. It would be conceded that it gave to Congress power to dispose of, use, and preserve the public property, wherever situated, and to exercise any power fairly ‘*needful*’ to attain these objects. The slightest analysis establishes this construction. It is property alone which is the subject of the grant; and its disposition, and in connection with that, its use and preservation, are the objects. The frame of the sentence places this beyond doubt. The phrase ‘territory or other property,’ makes territory one of the classes of property, and was doubtless here introduced as far the most important of them, being the *Western Territory*, the great fund destined to relieve the finances of the infant Confederation. He who denies this, is beyond the reach of philological reasoning.

“There are two provisions of the Constitution, and only two, which touch the property of the United States. One is the clause which we are considering, and which contains this necessary grant of power to the government, as a landholder or holder of other property, to use and dispose of the same at its pleasure; and the other is the clause authorizing Congress ‘to exercise like authority (exclusive legislation, like that exercised over the District of Columbia,) over all places purchased by the consent of the legislature of the State in which the same shall be situated, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings.’

“The object of these clauses is essentially different. The one is

to enable Congress to manage and control the property of the United States, wherever situated, in order that it may be applied to its proper uses without the necessity of resorting to other legislation; and the other, to exercise jurisdiction over all persons living in their *forts and other buildings*, in circumstances where such jurisdiction is necessary, and is accordingly ceded by the proper authority. The one provision is universal, applying wherever the United States have property. The other is applicable only to places held for special objects, and where cessions of jurisdiction are expressly made.

“Now, it is manifest that if the power *to make needful rules and regulations* conveys a general grant of legislative authority, then the express clause for the exercise of jurisdiction with the consent of the States was unnecessary, and the government of the United States, wherever it owns property, possesses by the act of ownership complete legislative jurisdiction within its limits.

“For it is to be observed that this power ‘to dispose of and make needful rules and regulations,’ attaches to the public property whether found in the States or Territories, and is the only authority by which the public lands, wherever situated, are sold; and, consequently, the people living thereon are subject to Congressional legislation, and may be placed beyond the reach of State authorities. Either this consequence follows, or the very same words, operating upon the very same subject, convey powers altogether different.

“It is under this authority that our whole system of land laws has been established; that land has been surveyed and sold, trespasses prevented or punished, intrusions prohibited, and the proceeds of the national domain realized and carried to the national treasury. The laws for these purposes are general in their operation, not applicable to the Territories alone, but embracing in their action those portions of all the States where this kind of property exists.

“And these laws, passed by virtue of this clause relating to the public property, cease to operate as soon as the United States cease to own such property. If a tract of land, wherever situated, whether within a State or Territory, is paid for and sold, all the provisions for the security of the United States, arising out of this special clause of the Constitution, disappear at once, and the tract

passes into the common mass of property, subject to all the usual incidents, and governed only by the usual local laws.

“But it is yet strenuously contended, though certainly not with the same earnestness of conviction which marked the earlier discussions of this subject, that the natural and obvious import of this clause, giving Congress power to make *needful rules and regulations for the public property*, is not the true one, but that it gives complete legislative jurisdiction over the property itself and over all the persons living within the Territories of the United States. And why? I have examined with some care the long debates upon this subject, and I find there are two different views taken of this clause, both of which unite in the same conclusion, but separate in the process by which it is reached. Those who advocate the one, contend that the word ‘territory’ does not mean land alone, but includes also political jurisdiction; thus making American citizens a part of the national property, which Congress may ‘dispose of,’ or otherwise *regulate* at its pleasure. The advocates of the other, who certainly bring to this discussion greater numbers, as well as higher talents and position, while conceding that the word ‘territory’ in this connection means *land*, maintain that the right to make needful rules and regulations concerning it, necessarily conveys unlimited powers of legislation over such property, as well as over the political communities, called Territories, where it is to be found.

“So far as I have been able to ascertain, a member of the House of Representatives from Massachusetts [Mr. Hudson] is the new Galileo to whom we owe the discovery that the people of a Territory are property; and that the framers of the Constitution, with equal liberality and wisdom, made special provision for their sale whenever it may please Congress to put them into the market; and, as a corollary from this doctrine, the construction which considers territory in this clause as land or *other property*, is denounced as a ‘miserable quibble,’ *put forth possibly to please the faithful*; and the honor of its paternity is attributed to me by name, and with one of those sneers of intelligence with which great minds—alas for the infirmities of human nature!—are but too prone to consummate their victories over small ones. Truth, however, compels me, while professing my sincere adhesion to this position, to decline the honor of this gentleman’s censure, and to limit my claim to the humble services of a disciple in this school,

while disavowing the title of master. Had he sought his principles of government less in European writers, and more in the Constitution of his country and its expositions, it would not be necessary for me to tell him that it is the Supreme Court of the United States which years ago put this construction upon the Constitution, and pronounced 'territory' and 'land' in this article to be synonymous. I place in juxtaposition the dictum of the gentleman from Massachusetts and the opinion of the Supreme Court, in the case of the United States *vs.* Gratiot and Others:

“‘MR. HUDSON.

“‘This new doctrine of General Cass', put forth possibly to please the faithful in certain parts of the country, is entirely superficial, and will not bear the test of examination for a moment. Because *territory* and other *property* are associated together, the General contends that territory must be synonymous with land, and that the clause simply confers the power to buy and sell it, as they would any other species of property, goods, or chattels.”—*Vol. 1, p. 664.*

“‘THE SUPREME COURT.

“‘The term 'territory,' as here used, is merely descriptive of one kind of property, and is equivalent to the word lands; and Congress has the same power over it as over any other property vested in the United States,' &c.

“I suppose I may shelter myself under this authority, *faithful among the faithless* who desert it; for this gentleman, while affecting to place confidence in the Supreme Court, denounces its opinion; and I leave it to him to reconcile his assertions with the history of his own times. How the Supreme Court, after thus deciding that *territory* here means *land*, could decide also that *the power to sell and regulate land* includes the power of *unlimited political jurisdiction*, I profess my inability to comprehend; more especially as the power to be exercised must be 'needful,' and this necessity upon the face of it is incompatible with the idea that 'this power is vested in Congress *without limitation*.' But I shall return to this subject in the further progress of my remarks.

“Now, sir, what are the reasons urged in favor of separating this word *territory* from its natural connection, *other property*, or, I might rather say, in favor of unlimited legislation over it as a political community? I will try to deal with the doctrine as fairly as I can, and as gently as may be, though I should consider my own time, as well as yours, badly spent were I to undertake any serious refutation of it. He who considers American citizens as property, and seeks upon this assumption to establish a great

constitutional power, should not come to promulgate his doctrine in these halls, whose foundation was laid by Washington, and whose superstructure is dedicated to the principles of constitutional freedom.

“Vattel says ‘that possessing the territory gives us a perfect right to govern and control it.’ Then follows another quotation from Vattel, the spirit of which is found in this commentary of the speaker. ‘In this passage,’ he says, ‘the term *property* is used in a broader sense than mere *land*. It implies sovereignty or jurisdiction.’ And then comes another quotation and another commentary. I omit the former and give you the latter :

“‘Here, Mr. Chairman, we have the authority of Vattel for saying that a nation has property in her sovereignty, and that the right of domain implies the right of empire ; that owning the territory gives absolute jurisdiction, and hence full legislative power. What, then, becomes of the miserable quibble about *territory and other property*?’

“And this is followed by much more of the same sort, and all this time amid a profuse display of learning, collected for the purpose, it seems never to have occurred to the speaker, that a certain instrument called the Constitution of the United States had quite as much to do with this question of the power of Congress as transatlantic writers, who died from a century to two centuries before our time, and who were discussing questions of national and natural law under a good deal of bias arising out of monarchical institutions, where the sovereign, agreeably to the doctrine of Louis XIV, was the State, and not the authority of the various departments of our government.

“And this speaker was followed by another who fortified the doctrine by his own peculiar views, and peculiar indeed they are, and by abundant references to the dictionaries and to other equally learned authorities. He begins by declaring that ‘the men of the Revolution, the framers of the Constitution, were masters of the English language. They used just words enough and no more ; they invoked the powers of the language to confer in the briefest and clearest manner this plenary power upon Congress.’ And this eulogium is pronounced with apparent sincerity, certainly with all due gravity, the better to prepare us for a construction as much at war with the plain words of the Constitution as with the fundamental principles of human freedom. He

asks, with emphasis, 'What means the word 'territory?' Does it mean simply 'public lands?'' Certainly not. When the government owns the soil, the word *territory*, as applied to it, means that soil, and the dominion which lies like an atmosphere upon it. The word 'territory,' then, expresses a compound idea, viz: land and dominion. If the government does not own the land, it expresses then a simple idea, viz: dominion over the land. In neither case is its meaning synonymous with 'land' or 'public lands.' In either case it expresses a thing which is 'the property of the government.' All this is equally clear and satisfactory, and thus is it proved logically, constitutionally and almost mathematically, that the inhabitants of a Territory are a 'thing,' 'the property of the government.' But further, because colonial possessions are spoken of as belonging or appertaining to the parent country—the territories of the East Indies to England, for instance—the speaker says it is so in the dictionaries; therefore 'the matter can be made no plainer by argument,' and our Territories are, by the Constitution, made property *belonging to the United States*, and may be sold and governed as such—land, people and all.—*Mr. Rockwell, vol. 1, p. 794.*

"I can not argue such a point as this, nor undertake to refute the proposition that unlimited jurisdiction over large bodies of our fellow-citizens, embracing in its operation all the rights which belong to man, whether natural or political, is 'a thing which is the property of the government.' Do we hear aright, when we hear an American legislator contend for a construction of the Constitution which carries us back to some of the worst doctrines of the middle ages—to those feudal times when the dignity of land was far more exalted than the dignity of human nature, and when men, I mean the many and not the few, were bound to the soil, like the trees growing upon it, as they are yet in some of the countries of the Old World, and one of the principal elements of its value? All this has passed away, wherever the very first glimmering of the light of freedom has penetrated, and the attempt to revive it here is among the strangest of the strange political revulsions which it has been my fortune, or rather my misfortune, to witness in a long and active life.

"A few passing remarks upon the practical consequences of this position, and I leave it to exert what influence it may upon the subject before us.

“If the word ‘territory’ here includes the right of jurisdiction, it follows that it was the intention of the framers of the Constitution to confer upon Congress the power to sell this jurisdiction over all the western cessions, and that this clause accomplishes the object. For whatever be the true meaning of the word ‘territory,’ whether soil or dominion, or both, the authority granted is an authority to *dispose* of or sell it, equally with ‘other property.’ No process of analysis can separate the right to sell the ‘territory’ from the right to sell the ‘other property.’ Congress, by this construction, could sell to every man the right of jurisdiction over his section or quarter section as well as the right of soil; or it could sell the title to one man and the jurisdiction to another, or both, or either to a foreign State, or to its subjects. The bare enunciation of such a proposition carries with it its own refutation. I can not deal with it as a subject of argumentation. The power, under any circumstances, to cede a portion of the United States is, to say the least of it, a very doubtful one under our Constitution. For myself, I can find no such grant of authority in that instrument; its powers are preservative, not destructive. I am speaking of a direct, unquestioned cession; not of the fair settlement of a disputed boundary with a foreign nation, where the question is uncertain and where the act of adjustment establishes the true line of demarcation. But that the Convention of 1787 should make it a fundamental provision of the new government that it might alienate from this country, at its pleasure, and by the acre, too, its vast western domain, the object of so much solicitude and the cause of so many dissensions, almost terminating in separation, is a proposition equally at variance with our political history and with the spirit of our political institutions. And what still adds to the surprise which this course of reasoning is so well calculated to excite, is the fact that gentlemen who seek by construction to give to Congress this unlimited power of cession, are among those who contend most strenuously for the obligation and inviolability of the ordinance of 1787, and for its virtual recognition by the Constitution, notwithstanding that ordinance places the *western territory* beyond any other final disposition than that of admission into the Union, with all the rights of the original members.

“The other construction which deduces a power of unlimited jurisdiction from this constitutional authority ‘to dispose of and

make needful rules and regulations concerning the territory or other property belonging to the United States,' concedes that territory is here land and property, but maintains that the needful regulation of it includes complete jurisdiction — not only the power to establish territorial governments, but to legislate for the Territories in all cases whatsoever.

"It is not necessary to make extracts from various speeches to show how prevalent is this opinion of the omnipotent power of Congress over the Territories. I have already referred to the declaration *that they may be sold into slavery*; and though this position is the legitimate consequence of the doctrine of unlimited jurisdiction, still there are few who would thus boldly follow it to its just conclusion. There is, however, so little diversity of views upon the question itself, that nothing would be gained by reference to individual speakers, where the general deductions are the same."

General Cass, in this elaborate speech, examined, in detail, the various positions taken by those who advocated the proviso, and commented, with logical reasoning, upon the different provisions of the Constitution which, in succession, had been brought forward to justify Congressional interposition. He disproved the right of entire legislation over the territories, on the part of the general government: he met and refuted, in a candid manner, both by argument and precedent, the pretense that the proposition had the sanction of the Constitution, or even was contemplated by its wise framers; and reproduced the important fact, that Congress, from 1787 to that day, had never exercised, or attempted to exercise, any such power. With respect to the ordinance of 1787, so often cited both in and out of Congress, he not only triumphantly showed that the territorial government, established by that ordinance, was no compact within the accepted definition of the courts and the orthodox writers upon jurisprudence, but, from the ordinance itself, he reminded the Senate, that the six sections often quoted, and the provisions of which were forever to remain unalterable, unless by common consent, did not contain one word on the subject of territorial government.

"But," he continued, "it is all idle to talk about the compacts in the ordinance of 1787. The articles so designated are destitute of the very first elements of reciprocal obligation. There was but one party to them. The other party had not yet come into being,

or, rather, the other party was not heard at all; for it was composed of the inhabitants then living in the territory—the settlers upon the Wabash, in the Illinois country, in the Detroit country, at Green Bay, and at Prairie du Chien. These constituted the counter party then in existence, and this compact was declared binding upon them and their descendants, and irrevocably so, without their consent and without their knowledge. Why, sir, if there had been but one man in that country—and there were many thousands, and among these not a few emigrants from the States—he would not have been bound by a compact he never heard of, and to which his consent was never required, either expressly or impliedly, and much less the people then there. As to making a contract with unborn States and millions, by the simple act of a foreign body, constituting itself one of the parties, and acting for the other, and without any means being provided for procuring their assent in all time, either by the act of the then existing or of any future generation, by an acceptance of the terms held out, or by any other mode, had not our own ears told us the contrary, we might well have doubted whether a man could be found to contend for so strange a doctrine.

“Besides the want of parties, there was a total want of power. No man with any regard to himself, looking to the articles of the old Confederation, can deny this, even if we had not the authoritative declaration of Mr. Madison, when speaking of it as a question neither disputed nor disputable, to which Mr. Adams assents. The articles are utterly silent on the point, and the exercise of the power was an open assumption of authority. If the ‘engagement,’ supposing there to have been one, wanted validity, the Constitution gave it none, but left it as it found it. A member of the other House, whose zeal certainly outstripped his discretion when he said, in quoting his previous opinions, that ‘he had egotism enough to believe his as good as any other authority,’ and in doing so ‘that he but followed the examples of the courts in which it was the regular and every-day practice to cite their own decisions,’ declared also, quite *ex cathedra*, ‘that he should be able to show, &c., that these six articles of the ordinance were forever binding, unless altered by mutual consent, and that no one in Indiana had ever been ‘silly enough’ to doubt the validity of the ordinance.’ (Mr. Pettit, vol. 1, p. 718.) It is not the validity of the ordinance we are now seeking as an ordinary act of legislation, but its

inviolability or perpetual obligation. The speaker confounds two propositions entirely different in their nature. Let me ask him if any one in Indiana ever doubted the power of the people of that State to assemble in convention, and to introduce slavery there if they please?—to abolish the English common law, and substitute the Code Napoleon, or the Louisiana Code, or even the *contume de Paris*, which at one time was the law of a part of Indiana, or change the nature of bail for offenses, or find a better remedy for the preservation of personal liberty than the writ of *habeas corpus*?—all which are declared by the ordinance to be forever unalterable but by common consent, or, in other words, they are questions of internal policy, which the people are not sovereign enough to touch without the consent of Congress. I had supposed, till now, that the new States were admitted into the Union on ‘an equal footing with the original States, in all respects whatever.’ But if this doctrine of the perpetual obligation of this ordinance be correct, the new States and the old States occupy very different positions in the Union, and the powers of the latter are much greater than those of the former. As a citizen of the north-west, I object *toto calo* to this humiliating difference, and I doubt if the gentleman will find many converts to his opinion in his own State.

“In support of his views, he asks where the United States got the title of the public lands, but in one of the provisions of this ‘compact,’ which prohibits the new States from any interference in their disposition. Why, sir, the United States got the title of the public lands from the deeds of cession of the States who owned them, and Congress got the power to sell and control them, not from the ordinance, which, as we have seen by the opinion of Mr. Madison, and which may be seen at any time by a reference to the Articles of Confederation, was valueless for that purpose; but from the constitutional authority to make ‘all the needful rules and regulations’ respecting them, which was introduced to secure this very object.

“There can be no doubt, sir, that this form of a compact was given to these important articles of the ordinance, in the absence of all real power over the subject, as having somewhat the appearance of a mutual arrangement, and therefore obnoxious to less censure than a direct assumption of authority would have been. The first ordinance, (for that of 1787 is the second,) the

ordinance of April 23d, 1784, which, however, was repealed by the other before it went into operation, contained also this declared compact, but in a much more imposing form than it afterwards assumed. It provided that 'the foregoing article shall be formed into a charter of compact, shall be duly executed by the President of the United States, under his hand and the seal of the United States, shall be promulgated, and shall stand as fundamental constitutions,' &c., &c. I presume this pushing compacts into constitutions for the new States by the sole authority of Congress was afterwards thought to be going a little too far, and the more modest form was finally adopted.

"It is a singular commentary on the positive declarations of the inviolability of this ordinance, that at the very time they were made, an act of Congress was passed, almost without opposition, violating this ordinance in a fundamental particular. And we have been told by the chairman of the Judiciary Committee of the Senate, that although the question was raised before the committee, four of the members out of five considered it of no weight, and the bill passed this body without even a discussion upon it. Among the articles of compact was one which provided that there should not be less than three nor more than five States in the Northwest Territory. This power had been exhausted, and the five States admitted into the Union. But a large portion of the Territory has been detached from these States, and now forms part of the Minnesota Territory, to be organized into a separate State, or to form part of another, with the country west of the Mississippi. *So much for the irrevocable articles of compact.*"

He referred, in the course of his remarks, to the extraordinary observations of the proviso orators; and particularly to Mr. John Quincy Adams — an ex-President of the United States, — citing this remark of the ex-President, "*the consequence has been, that this slave representation has governed the Union.*" Benjamin, portioned above his brethren, has ravened as a wolf; in the morning he has devoured the prey, and at night he has divided the spoil." General Cass, fully conscious of the manifold interests and untold hopes that clustered around our Union and its institutions, exclaimed:

"He is unworthy of the name of American who does not feel at his heart's core the difference between the lofty patriotism and noble sentiments of one of these documents and ———; but I

will not say what the occasion would justify. I will only say, and that is enough, the *other* ———, for it is *another*.

“*Benjamin, portioned above his brethren, has ravened as a wolf; in the morning he has devoured the prey, and at night he has divided the spoil.*” So much for Scripture and patriotism. When translated into plain English, this means that the south has fattened upon the north, as the wolf is gorged with his prey! Lest the apologue should not be sufficiently clear, we are told that *almost everything which has contributed to the honor and the welfare of the nation has been accomplished by the north in despite of the south; and that everything unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to the south.*

“And this judgment is pronounced upon the land of Patrick Henry, and Jefferson, and Laurens, and Rutledge, and Sumpter, and Marion, and Madison, and Marshall, and Monroe, and Jackson, and—above all and beyond all—of Washington; and upon the land of a host of other statesmen and warriors, as true and tried in field or cabinet as ever maintained the honor of their country in times as perilous as any country ever encountered and survived.

“And yet almost all of good that has ever been gained by our country has been gained by the north in despite of the south; while the south has brought upon us all our misfortunes, and upon their *adversaries* all their blunders and follies!!! I suppose this word ‘*adversaries*,’ in the vocabulary of Mr. Adams, means the other portions of the Union.

“Now, sir, I am not going to mete out to the various regions of this broad land the share of each in the wonderful career in all the elements of power and prosperity into which we have entered, and have, indeed, far advanced. The glory belongs equally to all, and all have equally contributed to obtain it. And still less will I undertake seriously to refute a proposition which, if the refutation is not in the heart of an American, he is faithless to the common deeds of the past, and to the common hopes of the future.

“I am no panegyrist of the south; it needs none. I am a northern man by birth, a western man by the habits and associations of half a century; but I am an American above all. I love the land of my forefathers; I revere the memory of the pilgrims for all they did and suffered in the great cause of human rights,

political and religious. And I am proud of that monument which time and labor have built up to their memory—the institutions of New England—a memorial of departed worth as noble and enduring as the world has ever witnessed, glorious and indestructible. But while I feel thus, I should despise myself if any narrow prejudices or intemperate passions should blind my eyes to the intelligence and patriotism of other sections of our united country; to their glorious deeds, to their lofty sentiments, to their high names, and to those sacred aspirations, common to them and to us, for the perpetuity and prosperity of this great Confederation, which belong to the past, to the present, and to the future; and whose feelings and opinions are brought here and reflected here by a representation in this hall and in the other, which now occupies and has always occupied as high a position as that held by any other portion of the Union—a representation which does honor to our country in all that gives worth to man and dignity to human nature.”

The provisoists, in their own conceit, having adduced the power to pass their darling measure, were then in the habit of acting on the offensive, and with the air of a conqueror demanding the source from whence the people in the Territories derived the power to legislate for themselves. This interrogatory, often put at the hustings, in the State legislatures and in the halls of the federal capital, remained for General Cass to answer.

“And we are asked, where did the people of the Territories get the right to legislate for themselves? Where did they get it? They got it from Almighty God; from the same omnipotent and beneficent Being who gave us our rights, and who gave to our fathers the power and the will to assert and maintain them.

“I am not speaking of a revolution; that is a just remedy for violated rights; but I am speaking of a right inherent in every community—that of having a share in making the laws which are to govern them, and of which nothing but despotic power can deprive them. That power in Europe is the sword. Here political metaphysics come to take its place. The people of the Territories get the opportunity of enjoying this right of government, of bringing it into practical operation, from Congressional interposition, and they then possess it with no other limitations than those arising out of the Constitution and of their relations to the United States. Their powers of legislation embrace all the subjects

belonging to the social condition. There is no act of Congress respecting any of the Territories which undertakes to enumerate the various objects of legislation, and then to confer jurisdiction over them. The whole power is conveyed, with the very few exceptions I have stated, and these are expressly withheld."

This effort was highly extolled. The Democratic members of the legislature of Tennessee complimented him with an address. Said they: "This oration will stand a perpetual monument in honor of your memory, and will hand your name down to the latest posterity as a scholar, learned and profound, as an orator, eloquent and powerful, as a statesman, sagacious and patriotic."

As if to break the power of this great speech among the freemen of the United States, the legislature of Michigan had, in advance, instructed General Cass to vote for the proviso. In the mutations of politics the legislature of that State, in 1850, was of a different political complexion from that of 1849; many Democrats in the fall of 1849 took little or no interest in the election of members of assembly—partly because there were no State questions to be brought before the legislature, but more from a feeling of dissatisfaction with the lukewarm support which their time-honored fellow-citizen had received from the Democratic politicians of the south and south-west in the late Presidential canvass. And this inaction, by meagre votes, resulted in the temporary ascendancy of the Whigs. After General Cass' arrival at the seat of the general government, he was taunted with this legislative instruction on the floor of the Senate, and the newspapers were rife with speculation as to the influence which they would have upon the future course of this veteran patriot and statesman. Hence, when he gave notice that he purposed to speak on this question, the interest to see what he would say and do increased. We believe all doubt upon this head was removed in the minds of the most skeptical even, when he resumed his seat. For, to solve all mystery as to his official action when the vote of the Senate should be taken, he took occasion to say:

"I will endeavor to discharge my duty as an American senator, to the country, and to the whole country, agreeably to the convictions of my own duty and of the obligations of the Constitution; and when I can not do this, I shall cease to have any duty here to perform. My sentiments on the Wilmot proviso are now before the Senate, and will soon be before my constituents and the

country. I am precluded from voting in conformity with them. I have been instructed by the legislature of Michigan to vote in favor of this measure. I am a believer in the right of instruction, when fairly exercised and under proper circumstances. There are limitations upon this exercise; but I need not seek to ascertain their extent or application, for they do not concern my present position. I acknowledge the obligation of the instructions I have received, and can not act in opposition to them. Nor can I act in opposition to my own convictions of the true meaning of the Constitution. When the time comes, and I am required to vote upon this measure, as a practical one, in a bill providing for a territorial government, I shall know how to reconcile my duty to the legislature with my duty to myself, by surrendering a trust I can no longer fulfill."

Whether from the influence of this speech, or their own sense of constitutional right, or both, certain it is that a change came over the legislative mind of Michigan; and, in abundant season, rescinded the mandate to her senators, leaving them to act according to the dictates of their own wisdom and judgment.

This was wormwood to fanaticism. To parry the blow, she pointed to inconsistency, and insisted, most strenuously, that the disciple of Jefferson—the confidant of Jackson—the unflinching flag-bearer of the Democratic hosts in 1848—was her votary. As usual when attacked, either by open, manly foes, or by sinister, pretended friends, he faced the attacking party; and, on a subsequent day, at the first convenient opportunity, met the unfounded accusation in his place in the Senate. We give to the reader what he said:

"It was intimated by the senator from Mississippi, [Mr. Davis,] and by more than one gentleman, I believe, in the other wing of the capitol, that I had not been consistent in my course. The feelings of respect and kindness which I entertain for that senator are, I am sure, a guaranty to him that I do not allude to this subject in any spirit of complaint. My course, if worthy of notice, is open to public examination, and, I trust, will bear it. The charge is, sir, that, in my Nicholson letter, I laid down principles from which I departed in my late speech upon the Wilmot proviso. The allusion, as I understand it, is more particularly to the proposition, that the people of the Territories, as well as of the States, have a right to manage their own internal concerns in their own

way, and that the condition of slavery may be regulated by them, as well as any other relation of life. In that letter, sir, which seems to have become historical far beyond its importance, I laid down four propositions, which I then deemed to be correct, and whose truth time and experience have but the more strongly confirmed. Till I change my convictions, I shall neither seek to conceal nor disavow them. If any one has misunderstood me before, I conceive the fault was his own; if any one misunderstands me hereafter, the fault shall be mine. I believe the Wilmot proviso to be unconstitutional; but, before I proceed to a full consideration of this branch of the subject, I beg leave to trouble the Senate with a brief review of my position, and of the circumstances connected with it. I have desired an opportunity of doing so for some time, as this has been made a matter of reproach—as, indeed, what is not, in times like these!

“When the Wilmot proviso was first proposed, I have never concealed or denied that, had it been pushed to a vote, I should have voted for it. There is no need for any senator to resort to and retail conversations in railroad cars to prove this. I had never examined the constitutional power of Congress; and, when the subject was proposed, it did not excite that opposition from the South which we have since witnessed, nor led reflecting men to doubt whether such a provision could be enforced without danger to the Union. Southern men, I believe, had previously voted for a similar measure, and it had not become a grave sectional question, involving the most fearful consequences. At a subsequent session, convinced of its bearing, I spoke and voted against it; still, however, without touching the constitutional point. Afterwards, circumstances required me to examine the subject more narrowly. The public mind in the South became highly excited, and the indications were full of danger and difficulty. I felt then, as I do now, that the Union was the great object of every American, and that there are few sacrifices which ought not to be made to preserve it. I was prepared to go as far as any man ought to go to attain that object. In examining the Constitution, with reference to the whole matter, more narrowly than I had ever before done, I was startled by the conviction, that no authority was granted in that instrument to Congress to legislate over the Territories; and that, consequently, there was no power to pass the Wilmot proviso. Not satisfied with my own impressions, and

being unwilling to take such a ground without proper consideration, I determined immediately to converse with some person fully conversant with the history of the legislation and of the judicial decisions on the subject. In looking about for that purpose, it immediately occurred to me that an eminent judge of the Supreme Court, [Judge McLean, of Ohio,] from his position and associations, as well as from his residence in the west, could give me better information upon this subject than any other person. Anticipating that some discussion might soon arise, that would render this explanation proper, I applied to that gentleman some days since, and requested his permission thus publicly to refer to him, should I deem it necessary. This he cheerfully granted; and I now make use of his name with his own consent. I immediately repaired to him, and stated my doubts, as well as the circumstances which gave rise to them. I need not repeat the conversation here. It is enough to say that he confirmed my impressions, and informed me that, in an article published in the *National Intelligencer* a day or two previously, and which I had not seen, I should find his views fully set forth. That article has since been republished in other papers, and has attracted a good deal of attention, as it deserves, for it is powerfully written. I speak, sir, solely of the views which it presents of the power of Congress to legislate for the Territories. The question of slavery, which it discusses, I do not refer to. After reading this article, my doubts ripened into convictions, and I took the ground, to which I shall always adhere, that the Wilmot proviso is unconstitutional. And you have now, sir, the history of my course upon this subject."

That the reader may have the whole, we may as well add, that it had been, and continued to be, repeatedly charged upon General Cass that he designed his letter to Mr. Nicholson as a trap to catch the unwary—a subterranean pitfall, into which was to tumble the unsuspecting planters, whenever they reached the Territories with their slaves. This theme had been fruitful of harangues all through the south. For this reason, many in that section of the Union were opposed to the doctrines of the Nicholson letter. At the north, many were opposed to those doctrines, because, as they claimed, the slaveholder could remove to the Territories and retain his immunity over the slave for a season, at least. These were extreme opinions—dissimilar in fact—based upon antagonistical reasons, diametrically opposed to each in object, yet in harmonious action. Extremes met.

The objectors at the North desired positive action, to prevent the extension of slavery. They were unwilling to leave the matter to the inhabitants of the Territory. General Cass was willing, and he knew of no constitutional power to over-ride the right. The objectors at the south desired negative action relative to the extension of the area of slavery. They desired that the matter should be left with the territorial settlers. So General Cass desired: because that course of policy alone was the only one compatible with the terms of compromise upon which the Union of the States was formed. But these southern extremists—whether sincerely or not, they best know — stoutly insisted that the doctrine of the Nicholson letter did not recognize the territorial inhabitants as possessed of power to prohibit slavery, until they were admitted as a State into the Union. In other words, that it was to the people of a State, not to the inhabitants of a Territory, that the power belonged. That there might no longer be any apology for misconstruction of his views upon this point, in March, 1852, when examining, in his place in the Senate, a letter of Colonel Jefferson Davis, of Mississippi, under date of December 27th, 1851, he remarked :

“If a newly-settled Territory is first occupied by a majority of emigrants from a slave State, they will be very apt to establish slavery in their new residence. If, on the contrary, they come from a non-slaveholding State, they will probably be equally strongly inclined to establish that exclusion to which they have been accustomed ; and so with relation to all the objects of concern which are regulated by law. And where was there ever a community whose political and social system was not more or less influenced by the predominant opinions and characters which marked its early inhabitants? But this objection, sir, whatever weight it is entitled to in the scale of expediency, does not touch the question of right. That does not even depend on Congressional action, but upon the Constitution, which does not even look to this subject of early or of late legislation, nor the practical considerations to which it may give rise. The rightful power, therefore, is not affected by the mode in which it may be exercised, whether bearing upon one or another of the vast variety of objects of civilized life which fall within the scope of legislation. All, therefore, I claimed for the territorial governments was the right of legislation in all cases not in conflict with the Constitution ; the

same general rights of legislation which enabled the territorial governments of Mississippi, of Alabama, and other southern Territories, to control the question of slavery within their limits, and which the northern Territories might have controlled at their pleasure, had there been no restriction upon their power. This was no question of 'sovereignty,' but of right, under the sovereign authority of the Constitution. And if the first settlers in the Territories might establish their future policy upon this subject by early legislation, I know of no constitutional principle which refuses the same powers to all the others."

And then as to the term "squatter sovereignty," in connection with its exercise, on the distant coast of the Pacific, he further remarked :

"A few words more, sir, as to California, and what has been called 'squatter sovereignty.' I have already said, that my Nicholson letter referred only to such territorial governments as had been established by Congress, and it looked only to such governments to be thereafter established by the same authority, over future acquisitions, should any such be confirmed to us by a treaty of peace. As to the condition of things in California, which followed, in consequence of the failure of Congress to provide governments for the Mexican cessions, no one foresaw it; certainly no one endeavored to provide against it. My letter, therefore, did not touch that point at all.

"As to the term 'squatter sovereignty,' or 'landlord sovereignty,' and the reproach it is intended to carry with it, they become neither our age nor country. Men are entitled to government, even if they are landless; and human life and human happiness are worth protection, notwithstanding a remote authority may be the great landlord, holding vast domains in a state of nature, which it neither grants nor governs. Many of the doctrines upon this subject carry us back to the middle ages, when land was everything and man nothing. We have arrived at a period when better views prevail; when human nature asserts its rights, and the exercise of political power does not depend upon the accident of property, but upon the great principle of freedom and just equality. One of two things is inevitable: either the people of California had the right to establish a government for themselves, without reference to 'squatter sovereignty,' or 'landlord sovereignty,' or they were necessarily condemned to live without a

government, or rather to die without one; for human life, under such circumstances, would be far more precarious than in the bloodiest battle on record. They choosed to do what we refused; to found a political system, affording protection to the great objects of human society; and I know nothing of the character of my countrymen, north or south, if, on calm reflection, they do not approve the proceeding. Nor do I believe there is one of them, no matter where, who, had he been in California in such a perilous crisis, would have hesitated to substitute established law for lawless violence and physical strength."

Whatever may be the practical results of this doctrine of popular sovereignty, General Cass is not responsible for. He did not make the Constitution: no share of its paternity belongs to him. As a senator, he has endeavored to carry out its provisions, in good faith. And when, in the course of his senatorial career, difficulties have crossed his path, that at first glance may have appeared almost insurmountable, he has set himself at work in earnest to clear away the rubbish. With a mind patient in investigation, and a physical energy that has never yet failed him, he has thought for himself, reached his own conclusions, for weal or wo, and fearlessly announced them to the world.

CHAPTER XL.

The Compromise Measures The Committee of Thirteen—The Report—The Debate—The Union Party.

The famous measures—already passed into history—known as the “Compromise Measures,” were initiated and perfected at the first session of the thirty-first Congress. The session extended into September; and although the incipient steps were taken early in the session, the measures were not consummated till near its close.

The first movement was on the twenty-fifth of February, when Mr. Foote, of Mississippi, moved the Senate that the resolution which he had the honor to offer—and already given in the preceding chapter,—be referred to a committee, to consist of twelve members, six from the north and six from the south, and an additional one to be by them chosen, with instructions to report to the Senate, if practicable, a plan of compromise for the final adjustment of all pending questions growing out of the institution of slavery. A motion was then made, on a subsequent day, to refer also to the same committee the resolutions offered by Mr. Clay and Mr. Bell. General Cass supported both of these motions: and openly declared that he would vote for any constitutional measure that had the appearance of harmonizing the different sections of the country, and amicably terminating the slavery controversy.

On the nineteenth of April, the question of reference was put to the vote, and carried on a division of thirty to twenty-two. The committee was chosen by the Senate, by ballot, and consisted of Messrs. Clay, Cass, Dickinson, Bright, Webster, Phelps, Cooper, King, Mason, Downs, Mangum, Bell, and Berrien. On the eighth of May the committee made their report to the Senate, accompanying it with bills, in accordance with its views and recommendations, in the following order.

First.—Admission of any new State or States, formed out of Texas, should be postponed until they presented themselves for admission.

Second.—California should be admitted forthwith, with the proposed boundaries.

Third.—Territorial governments, without the Wilmot proviso, should be provided for New Mexico and Utah, embracing all the territory acquired from Mexico, except that embraced within the boundaries of California.

Fourth.—The establishment of the northern and western boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, for which a pecuniary equivalent was to be paid.

Fifth.—More effectual enactments of law to secure the prompt recapture of fugitives from labor, bound to service in one State, who may have escaped into another State.

Sixth.—Congress to abstain from abolishing slavery in the District of Columbia; but to prohibit the slave trade within the District.

Seventh.—The second, third, and fourth measures to be contained in the same bill.

General Cass was requested by several Democratic senators to bring forward the measure of compromise, for it had been freely discussed in private conversation before it was introduced, and to accept the chairmanship of the committee. But he peremptorily declined, and urged the selection of Mr. Clay, believing that he would do more good than any other person. The circumstances of the times outweighed all other considerations, and General Cass believed there would be less personal feeling towards Mr. Clay than towards a prominent Democrat. It was exceedingly important to carry as much of the Whig interest in the Senate as possible. And besides, that eminent patriot possessed the high qualifications and experience essential to such a duty. The result proved the wisdom of the selection. He bore himself like a hero during the whole controversy.

With reference to the constitution of this committee, Mr. Foote—then U. S. senator from Mississippi—remarked at the Governor's room in the city of New York in December, 1850:

“The gentlemen who composed that committee did rise above influence; they did forget their party, absorbed as they were in patriotic solicitude for their country's welfare and honor. Yes; and I will give you an anecdote illustrative of the spirit in which these men acted. It was said, on a certain occasion, to my old friend General Cass, by some gentleman who was consulting party

policy a little more than the interests of the country, that if the plan of adjustment were carried out, Henry Clay might become President. Now, General Cass had nominated Mr. Clay as chairman of that committee; and what was the reply of the old patriot? I will state the reply, because, perhaps, you will hear it from no one else. When he replied, that honest face of his became refulgent with the true spirit of a patriot. He remarked, 'Then so be it. If Clay's noble conduct at the head of our committee, in rescuing his country from present danger, should conduct him to the Presidency, no man in the nation will more cordially ratify his election than myself.' I challenge you to point out to me such another instance of patriotic devotion and self-sacrifice. And that was the feeling predominant among the friends of the adjustment in both houses of Congress. I will not speak of those who held a subordinate position like myself; but I will say that Clay, Cass, and Webster, on the altar of their country's happiness, sacrificed everything like personal rivalry, disregarded everything like party ascendancy and the success of faction, uniting themselves as a band of brothers, standing shoulder to shoulder in support of their common country, and immortalizing themselves as the unequalled of triad American patriots."

The admission of California—the establishment of territorial governments for Utah and New Mexico—and the boundaries of Texas, elicited much debate, and many amendments were offered by various senators. The union of so many subjects in the same bill was regarded as objectionable by some members: its provisions were not entirely satisfactory to others who would have given the bill a cordial support, whilst the ultraists of both north and south were irreconcilable in their opposition. Propositions increasing the conditions upon which California might be admitted, and restriction of the powers of the territorial governments, were offered. To all these General Cass was opposed. He insisted that there was no express authority conferred upon Congress by the Constitution, to establish and regulate territorial governments. The absence of such grant was because no contingency was foreseen by the framers of the Constitution for the use of such power, and that the right to act at all arose from the necessity of the case. Upon the acquisition of new territory, it is the moral duty of a country to take care that it is provided with a government suitable to its own institutions. He further insisted

that the power claimed for Congress was a tremendous power. "It is claimed and exercised at St. Petersburg, at Vienna, and at Constantinople, as well as at Washington: and no matter by whom claimed, or where exercised—whether by Sultan, Emperor, King, Parliament, or Congress—it is equally despotism, unsupported by the laws of God, or by the laws of man."

On the thirty-first of July, Mr. Pearce, of Maryland, moved to strike from the bill all that related to New Mexico. The Senate agreed to this. Mr. Walker, of Wisconsin, had previously moved to strike from the bill all except that part relating to California, but the Senate did not agree to this. Mr. Atchinson moved to strike from the bill the provisions relating to California, and the Senate, by a vote of thirty-four to twenty-five, agreed to the motion. The bill was thus left containing simply the provision of a territorial government for Utah, and in that shape passed the Senate on the second of August ensuing. The admission of California—the establishment of a government for New Mexico, and the proposals for the establishment of the boundaries of Texas, were subsequently passed by the Senate in separate bills. And thus was fulfilled the prediction made by General Cass at Fort Wayne, on the fourth of July, 1843, when he said "the great tide of civilization has passed the Alleghany mountains and has spread and is spreading over the prairies and forests of our own beautiful west, and will not stop till it reaches the boundary of the continent upon the shores of the Pacific. The decree has gone forth, and will be fulfilled. The prospects of the future may be seen in the progress of the past. He who runs may read. Neither political jealousy nor mercantile cupidity can stop our onward march." Strange as it may seem, some of the most eminent senators from the southern States opposed the admission of California. They assumed that the action of the people in forming a Constitution was unconstitutional; and, therefore, that the assent of Congress to their proceedings, by admitting California into the Union, would also be unconstitutional. Mr. Berrien, of Georgia, even went so far as to argue that the people of that region had no right to organize themselves into a State government, and that the proceeding was altogether without precedent or authority. General Cass exposed the fallacy of this argument in an impromptu speech of unusual power.

The bill "to provide for the more effectual execution of the third clause of the second section of the fourth article of the Constitution of the United States," generally known as the "fugitive slave bill," was taken up for consideration in the Senate on the nineteenth of August. General Cass supported it, as one of the measures agreed upon as a compromise. Mr. Mason, of Virginia, introduced it in January preceding. Amendments to it had been recommended by the Committee on the Judiciary, and by the select committee of thirteen. He now offered a substitute for the original bill. After various amendments had been offered and debated, the bill was finally perfected, and had its third reading, and passed the Senate on the twenty-fourth of August.

In supporting this bill General Cass desired it to conform to the act of 1793, upon the same subject, and that the changes which experience had shown to be necessary, should be introduced by way of amendment to the law of 1793. He took the following positions :

First.—The master's right to arrest his fugitive slave wherever he may find him.

Second.—His duty to carry him before a magistrate in the State where he is arrested, there to adjust the claim.

Third.—The magistrate's duty to examine the claim, and to decide upon it like other examining magistrates, without a jury, and then to commit him to the custody of the master.

Fourth.—The right of the master then to remove the slave to his residence.

The last of the compromise measures passed the Senate on the sixteenth of September. It was the bill abolishing the slave-trade in the District of Columbia. In all these bills the House of Representatives concurred, and they received the Executive approval.

The debates upon these bills were, at times, very stormy, and their fate doubtful. General Cass was often referred to by both parties. The ultras endeavored to upset his arguments and demolish his doctrines. Anxious to allay the exciting elements that appeared in all directions, and avert the danger of dissolution, toward which he believed the country rapidly progressing, he was constantly at his post in the Senate throughout the entire time. His policy was to soften, if possible, the asperities of exciting topics and manfully battle for the Constitution and the Union, leaving it for time and truth to vindicate the correctness of his doctrines,

and the integrity of his purposes. If his course did not meet with the approval of all, it at least entitled him to their respect. He gave his views in full, and unhesitatingly, upon the fugitive slave bill; and, that there might not thereafter be any misapprehension of his sentiments upon slavery, in the abstract, he addressed the Senate upon that point also. Neither did he withhold comment upon the danger of disunion, and its inevitable calamities. And as some of the members from the south had intimated that, in case of dissolution, *their* fellow-citizens would thereafter no longer be "hewers of wood and drawers of water" to the north, he showed the futility of such insane hopes. That he may be rightly understood by our readers on these points, we extract a portion of his remarks :

"The provision in the Constitution respecting the recapture of slaves has been too often and grossly violated and neglected. Every dictate of justice requires a law more efficient on that subject, and more efficiently executed. Such a law, with proper provisions, shall not want my vote. And this Wilmot proviso, unnecessary and unconstitutional as it is, has justly given great offense to the south. I trust and believe its days are numbered. But allow me to say, sir, that when southern gentlemen attribute the interference of the north with the subject of slavery to any serious calculation about the balance of political power or of material interest, they are in a great error. It originates in other feelings. The spirit of inquiry is one of the marked characteristics of the age in which we live. It penetrates everywhere; there is nothing concealed from its research. Even the highest and holiest things are assailed. Why, sir, the rights of property in the south are attacked; and so they are in the north. There are men who contend that slaves should not be held in bondage, and there are men who contend, with equal pertinacity, that no one should hold land, but that all things should be in common. The marriage condition is assailed; the domestic relations are assailed; the being and the attributes of God are assailed; and strenuous efforts are making to overrun the whole constitution of society. 'Error of opinion,' said Mr. Jefferson, 'may be tolerated where reason is left free to combat it.' Memorable words, and as true as they are wise. If the schoolmaster is abroad, he takes with him a great many unsound opinions, which, however, can only become dangerous by being met with resistance instead of argument.

I have said, sir, that the southern gentlemen have an easy task before them. They feel their wrongs and express their feeling in no measured terms, and they are supported and applauded by a constituency which feels as they do. But moderate men in the north and west are placed in very different circumstances. They are endeavoring to check the excitement; they are throwing themselves into the breach; and yet their condition is not at all appreciated here, nor are they spared in the general denunciations that are used. We hear this every day, sir, and we are becoming very impatient. Why, sir, the honorable senator from Virginia, [Mr. Mason,] whom this whole Senate holds in the highest respect, and deservedly so, upon the introduction of a bill providing a more efficient mode of recapturing fugitive slaves, said, and repeated, I believe, many times, that it would do no good; that he knew it would do no good. What he said I thought might be translated into this: You are all a set of knaves at the north and west, and, legislate as we may, the law will be disregarded, and the slaves retained. This was not his language, and I am sure it was not his idea, and it is perhaps an extreme conclusion from what he said; but there is still too much foundation for complaint at such intimations. They do no good."

Mr. Mason, (interposing.) Certainly nothing was further from me than intimating the idea that they were a parcel of knaves at the north; but they were disloyal to that provision in the Constitution. Their legislation shows it; and because of that disloyalty I was afraid that no such law could be executed there.

Mr. Cass resumed. "I said that my words were too strong. Still, sir, I will add that these continued reproaches, denunciations, I may say, will necessarily provoke recrimination, and may go far toward converting a just cause into an unjust one. Why, sir, it is only a day or two since one of the most accomplished members of this body told us, in substance, that if a dissolution of the Union should take place, the northern portion, containing twelve millions of people of the Anglo-Saxon race, and embracing regions among the most fertile on the face of the globe, would be utterly destroyed; that their cities would become like Tadmor, their hills like Gilboa, their fields like the Campagna, and themselves without prosperity, without hope; that grass would grow in their high places, and that they would become like modern Tyre, while the southern cities would become like ancient Tyre, the *entrepots* of the commerce

of the world. All this grates harshly upon my ear. I do not want any man to tell me what this Union would lose, north or south, by a dissolution. It is enough for me to know that, if not fatal to both, it would check the prosperity of both, and lead to consequences which no wise man can contemplate without dismay. I am an American, with the most kindly feelings to every portion of our beloved country. Its strength is in its union; its prosperity in its union; its hopes in its union. I do not want any one to come here to tell me the evils the north would suffer from a dissolution, or the south would suffer from a dissolution. I need no lesson upon that subject. If any one can explain to me what advantage either section would gain by a separation, I might survey such a prospect with less apprehension than I now do. Southern gentlemen will allow me to say, and I know they will appreciate the feelings with which I say it, for I have given proof of my desire to do them justice by the sacrifice of my political position, that they place the defense of slavery upon considerations which do not suit the spirit of the age. There is no use in going back to the days of the patriarchs, and tracing the history and condition of slavery from that time to our own day, and proving its compatibility with the word of God and the wants of man. They have a much better foundation for their rights to rest upon than any such process. Slavery is an existing institution in the south, for which no living man is responsible; it is interwoven into the very texture of society. Between three and four millions of people, differing in race and color from the predominant caste, are held in bondage. I have seen a good deal of slavery, and I believe its evils are much magnified, and that the slaves generally in our southern States are treated with as much kindness and consideration as are compatible with this relative condition of bond and free, and certainly as well as they would be treated in the north, if we had slaves there. I do not see, myself, how such a mass of human beings can be set free. Emancipation, unless the work, I may say, of ages, would equally destroy the whites and the blacks. God, in his providence, may bring it about. I do not see that men can. It is a question which concerns the southern States alone. They have every motive to deal with it justly and wisely, and every interference from abroad but adds to the difficulty of the position, and creates a natural reaction in every southern mind. Unfortunately, sir, every man who does not believe that slavery

is the best condition of human society, and that a community never prospered as it might do without it, is too apt to be considered in the south as a northern fanatic, regardless alike of their rights and of the compromises of the Constitution.

“Now, sir, I do not believe this, and no consideration on earth can induce me to say so. I believe that slavery is a great misfortune for any country; but the existing institution I have neither the power nor the will to touch. On the other hand, every man in the north who does not believe it to be his duty to enter into a crusade against the south, and to cover the country with blood and conflagration to abolish slavery, is considered by a large portion of his fellow-citizens as a *dough-face*—*that is the cant term*—sold by his hopes or fears to the south. *Dough-faces, indeed!* Which requires greater moral courage, to keep foremost among the foremost in times of excitement, and to minister to the popular feeling where we live, or to endeavor to moderate it, to hold back, to survey the whole subject coolly and impartially, and to restore harmony to a distracted country? The former swim with the current, the latter against it; and it needs little knowledge of man to know which is the *dough-face*, if I may use that opprobrious term. Mirabeau told the French Convention, long since, that names were things. They are so, and many a good cause has been lost because it had a bad name. And the condition I have depicted, is that which is occupied by every man who avoids extremes in periods of great excitement, whether that excitement is moral, social, political, or religious. History is full of the most impressive lessons on this subject. While the excitement continues, you may as well say to the whirlwind, stop, and expect to be obeyed, as to endeavor to check its progress till time and reason come to your aid.

Where all this is to end, I am not presumptuous enough to try to foretell. Hard thoughts are followed by hard words, and if these are not followed by hard blows, it will be owing more to the mercy of God than to the wisdom or moderation of man. I will merely remark, in conclusion, that the senator from Alabama, [Mr. Clemens,] has alluded to a peaceable dissolution of the Union. He will pardon me for saying, that I hope no one will delude himself with any such expectation. If it does not bring disappointment, the history of the world has been written to no purpose. In political convulsions, like that which would attend the breaking up

of this Confederacy, the appeal from reason to force is as sure to follow, as the night succeeds the day. May He who guided our fathers in times of peril, direct us in the paths of peace and safety!"

Mr. Clay.—I thank the honorable senator from Michigan for the few remarks which he has just addressed to the Senate; and I beg leave to say, sir, that I have not a particle of doubt that the speech, the short, and to me, grateful speech, that he made the other day, was perfectly spontaneous and unpremeditated. I do not know when I have heard from any senator the utterance of sentiments with more pleasure, than I did those from the honorable senator from Michigan on the occasion to which I allude. And, sir, allow me to say, that the language in which the gentleman has just closed his short address to the Senate, that it is "ultraism" of which this country, at this moment, stands in so much danger, is founded, I lament to say, too much in truth.

General Cass conscientiously discharged his duty throughout this entire session: he was then content with his labor, and at no moment since has he regretted his votes or his public conduct.

The compromise measures having been consummated by Congress, a disposition was manifested, by several of the prominent members, to build thereupon a new party organization, under the cognomen of the UNION PARTY. During this stormy period, statesmen and party leaders who had for years been at the antipodes of each other, in political movements, had co-operated in legislation. Senators and members of the House of Representatives, both of the Whig and Democratic parties, united in a moment of peril to carry out measures, just in themselves, and, as they believed, essential to the salvation of the country. General Cass was one of the number to add his gigantic efforts in behalf of the integrity and perpetuity of the Constitution. This common object accomplished, it was evident to him that each of these parties should be left free to pursue its future course unembarrassed by any new scheme of mutual co-operation. He had lived a Democrat during his days that were passed, and he meant to live a Democrat during his days, however few, that were to come, believing that the duration of this government is closely interwoven with the duration of that party. He, therefore, declined the overture, and discountenanced the project.

General Cass, for his course in the Senate during this period,

was honored with many flattering testimonials of respect by his fellow-citizens in various parts of the country. Among others, the Democracy of Baltimore, by the hand of Francis Gallagher, presented him with a cane cut from a hickory tree at the Hermitage, as a testimonial of their high appreciation of his military and civil services, through a long life of devotion to the best interests of the country. The presentation took place at the Exchange Hotel in Baltimore, September thirteenth, 1850, in the presence of the immense assemblage which had gathered together to welcome him to the Monumental City.

During the interval of the Senate in 1851, General Cass was waited upon at his residence in Detroit, by Mr. G. B. Post, of California, on the fifth of September, who, on behalf of the citizens of that young and chivalrous State, made to the General a very appropriate address, and delivered to him a magnificent ring of California gold and manufacture. It was designed by the admirers of General Cass in that State, as a token of their personal regard for him, and an acknowledgment of him as one of their earliest, most devoted, and ablest friends. In accepting this signet of esteem, General Cass made a suitable response, and in the course of it, commenting upon the thirty-one communities, "while independent, are yet dependent upon one another," exclaimed in all the fervor of a patriot:

"God grant that no effort, whenever or wherever made, may put asunder what, by the blessing of Providence, the Constitution, formed by the wisdom and patriotism of our fathers, has joined together! That day, if it ever comes, will come in the wrath of God; and I trust I shall not live to see it."

It has often been reproached to General Cass that on the final passage of the fugitive slave act, he did not vote for it, and in the cant language of the day, he is said to "have dodged it." If by this be meant that General Cass kept out of the way, it is untrue, for he was in his seat when the act passed, and would not vote against it, on account of some action in the committee room, and would not vote for it, for reasons he has more than once explained in the Senate, and particularly in his speech on the Nebraska bill, February 20, 1854. The circumstances of his position clearly and satisfactorily explain his course and redeem him from all censure.

When a fugitive slave bill was under consideration in the compromise committee, General Cass proposed a clause, providing,

that when a fugitive should have been arrested and brought before the committing magistrate, if on the examination of the case it should be decided that he is a slave, it should then be the duty of such magistrate to ask of such fugitive if he still persisted in his denial that he was a slave, to require the claimant or his agent to give bond, without security, (for to require security of strangers would in most cases have defeated the recovery,) in the sum of one thousand dollars, conditioned, that on the arrival of such fugitive in the alledged county of his escape, he should have a trial by jury under the laws of the State, to ascertain if he were a free man or slave. The bond was to be transmitted to the United States District Attorney, who was required to take the necessary measures in the matter. It was urged by some of the southern gentlemen, in opposition to the proposition, that it was unnecessary, because the laws of all the slave States contained ample provision for a trial by jury for every alledged slave, claiming to be free, and that such was the state of public opinion, that the bar was always ready gratuitously to take up the cause of such a claimant having any reasonable show of right on his side. To this it was answered that in that case the arrangement could do no injury in the south, and that in the existing state of things in the north it would do great good, and would remove much objection to the law; that the right of trial by jury was dear to the American people, and more especially in cases of personal liberty; that in the excited condition of the free States it was the dictate of wisdom to render the law as little obnoxious as possible, consistently with the preservation in their integrity of the constitutional rights of the south,—and that this would be effected by the measure proposed, because no one could justly deny that the validity of a jury trial, in the county where the events occur, was just the security provided for fugitives of justice, whether black or white. General Cass stated to the committee, what indeed they already knew from his previous course, that he was ready to make the most stringent provisions necessary, and he voted against a trial by jury proposed to be given in the free State where the arrest might be made, and also against a proposition for allowing a writ of *habeas corpus*, believing that these provisions would in practice altogether defeat the recovery of this class of persons. And he was the earliest in the session to call the attention of the Senate to this matter, and he uniformly

advocated the justice and necessity of more efficient provisions in relation to it.

He also stated distinctly that with this provision of a trial by jury, he should support the bill, but that without it he would not. A considerable majority of the committee, nearly all of them, indeed, coincided in these views, and accepted the proposition, and among them were Mr. Clay and General Foote, and other southern senators, and the bill was reported to the Senate with this provision in it. It will be in the recollection of members of the committee, and especially of General Foote, for it had been stated on the floor of the Senate, that General Cass made this declaration to the committee of the necessity of this jury trial clause, and that without it the bill would not receive his support.

When the bill reported by the compromise committee, with this clause in it, was taken up, Mr. Mason, of Virginia, moved a substitute omitting this clause, which was adopted, and thus the provision deemed so important by General Cass, was lost. That it would have removed much of the dissatisfaction in the free States, is now certain, and would greatly have facilitated the execution of the law, and that while it rendered this act of justice to the feelings of one portion of the Union, it would not have worked the least injury to the rights of the other.

August 19th, 1850, the fugitive slave bill being under consideration in the Senate, General Cass said :

“When this subject was before the Compromise Committee, there was a general wish, and in that I fully concurred, that the main features of the act of 1793, upon this subject, so far as they were applicable, should be preserved, and that such changes as experience has shown to be necessary to a fair and just enforcement of the provisions of the Constitution for the surrender of fugitive slaves, should be introduced by way of amendment. The law was approved by Washington, and has now been in force for sixty years, and lays down, among others, four general principles, to which I am prepared to adhere :

“1. The right of the master to arrest his fugitive slave wherever he may find him.

“2. His duty to carry him before a magistrate in the State where he is arrested, that the claim may be adjudged by him.

“3. The duty of the magistrate to examine the claim, and to

decide it, like other examining magistrates, without a jury, and then to commit him to the custody of the master.

"4. The right of the master then to remove the slave to his residence.

"At the time this law was passed, every justice of the peace throughout the Union was required to execute the duties under it. Since then, as we all know, the Supreme Court has decided that justices of the peace can not be called upon to execute the law, and the consequence is, that they have almost everywhere refused to do so. The master, seeking his slave, found his remedy a good one at the time, but now very ineffectual; and this effort is one that imperiously requires a remedy; and this remedy I am willing to provide, fairly and honestly, and to make such other provisions as may be proper and necessary; but I desire for myself that the original act shall remain upon the statute book, and that the changes shown to be necessary should be made by way of amendment."

On the same day, Mr. Dayton, of New Jersey, proposed to annul the bill by an amendment, which contained the following *proviso*:

"Provided, That, if the fugitive slave deny that he owes services to the claimant under the laws of the State where he was held, and after being duly cautioned as to the solemnity and consequence of an oath, shall swear to the same, the commissioner or judge shall forthwith summon a jury of twelve men to try the right of the claimant, who shall be sworn to try the cause according to the evidence, and the commissioner or judge shall preside at the trial, and determine the competency of the proof."

This proviso, if incorporated into the bill, would have been as effectual a denial of justice to the owners of fugitive slaves as a direct repeal of all laws upon the subject, and a refusal to pass others. The amendment was rejected—yeas eleven, nays twenty-seven. General Cass voted in the negative.

On the same day, Mr. Winthrop, of Massachusetts, proposed to amend the bill by adding thereto the following proviso:

"Provided, however, that no certificate of any commissioner, as herein provided for, shall be an answer to a writ of *habeas corpus*, issued by any judge of any State or United States court who may be authorized by law to issue the said writ in other cases; but it shall be the duty of the commissioner, or other officer who may give any certificate in the summary manner provided for in this

bill, to inform the party claimed as a fugitive of his right to said writ of *habeas corpus*; and in case said supposed fugitive shall demand said writ, the forms, proceedings, and evidence shall be according to the law of the place, as in other cases where said writ is issued."

This proviso, securing to the fugitive slave the right of the *habeas corpus*, if made a part of the bill, would as effectually have destroyed the bill and defeated the objects designed to be attained by its passage, as would the incorporation of the right of trial by jury to the fugitive in the State where arrested. This amendment, also, was rejected, General Cass voting in the negative.

CHAPTER XII.

Opposition to the Compromise Measures—California—Public Meeting in New York—General Cass Present—What he said to the People—How they Received it—Re-elected Senator for Six Years.

The compromise measures were intended as a finality; and it was hoped that the disturbing elements growing out of the subject of slavery were put to rest. In looking forward into the future, statesmen beheld abolitionists trying to fan the embers of discord—and, if need be—disunion; but they did not anticipate opposition in any other quarter. They knew that the people of the north were prone to regard this domestic institution of the south with disfavor; and that, if they were called upon to vote directly upon the question in the abstract, they would negative its existence with extraordinary unanimity.

California was a free State—the inhabitants of the new Territories of New Mexico and Deseret would, at the proper time, decide the question for themselves—no more slave States were to be carved out of Texas—slavery in the District of Columbia was tolerated, and the law of 1793, with reference to the recapture of runaway slaves, made effectual. These, together, constituted the equilibrium of the Union: upon this altar were offered all opinions to appease dissension among individuals and independent sovereignties of this widely-extended confederacy.

With all the happy expectations which such a posture of public affairs justified, the thirty-first Congress adjourned its first session. The members went their several ways, from the proud capital of a magnificent nation, and traversed the highways of the country homeward to their constituencies. They who had given their voice and heart to the holy work of preserving intact the integrity of the republic, were prouder than ever of their country. With rapture, and buoyant anticipations of a long career of prosperity and glory—unequaled in all the memories and traditions of the past—did they descant upon whatever of commerce—of agriculture—of manufactures—came within the range of their

observation. On the contrary, they who had fought against peace—who had early and late proclaimed uncompromising opposition to the patriotic recommendations of the Senate committee of thirteen—still nursed in their bosoms the feelings of disappointment and hate; and as they passed metropolis after metropolis—happy in the avocations of business—endeavored to shut their eyes to the fact, that this was the legitimate fruit of a Union that compromise ushered into existence, and whose guardian this goddess ever since had been. And when they reached their homes, delighted were they to learn that their speeches, transmitted in advance by the post, had produced the desired effect. Excitement, instead of being allayed, was on the increase; and discussion, instead of being more subdued and conciliatory, was more earnest and bitter among the people and the public presses. The compromise measures, especially the fugitive slave law—as it was called—were the constant themes of angry dispute; and what was still more remarkable to the philosopher in his closet, whilst the work of Congress was denounced by northern ultraists as conceding too much to the claims of their southern brethren, it was at the same time rejected by the southern secessionists as worthless. Extremes again met. This state of the public feeling was called by some, fanaticism; by others, revenge; and by all, as indicative of a determination to sunder, if practicable, the bond of union.

Citizens in many of the larger marts of trade viewed this attitude of the abolitionists and secessionists with alarm. The emporium of the empire State could ill afford to lose the advantages derived from all parts of the confederacy, and which its inhabitants expected to lose, in great part, if civil dissension and dismemberment ensued. To those men who had been foremost in the compromise legislation of Congress, they felt grateful, and as the northern members of both Houses were on their way homeward, tendered them a public reception.

General Cass was among this number. He had labored, in unwavering obedience to the Constitution, in and out of Congress; and in November, 1850, at his public reception by the citizens of the city of New York, he addressed them upon the exciting topics that now rocked the Union of these States from center to circumference.

Adverting to the progress of the compromise measures through Congress, the sacrifices made by all to ensure their adoption, the

setting aside political differences to accomplish one great object, he remarked:

“ And where, in the long annals of mankind, do we find a people so highly favored as we are at this moment, when we seem to be struck with judicial blindness—almost ready, I may say, in the language of scripture, to rush upon the thick bosses of Jehovah’s buckler? The sun never shone upon a country as free and so prosperous as this, where human freedom finds less of oppression, the human intellect less restraint, or human industry less opposition. And what overpowering object is before us which would justify the sacrifice of all these blessings? Why is one section of the country arrayed against another, and why are men found in it who are both ready to sever our constitutional ties by the sword, and to commit the future of this great republic to those dissensions whose consequences no man can foresee? Is there any advantage which disunion would make greater? Any security for the present, or hope for the future, which would be increased by separation? None, none. I repeat, then, whence this agitation, this alarm, these excited feelings, these hard thoughts, which are spoken in hard words, and are fast leading to hard deeds? Why is it that the series of measures adopted in the last session of Congress, reasonable and equitable under the circumstances, and approved by a large majority of the community, why is it that these have failed to calm the excitement, and restore harmony and tranquillity to the country? These various acts formed part of one plan of compromise, and should be regarded as pledging the faith of every portion of the country to their faithful observance, and if they are so in spirit and truth, we may speedily look forward to that good old fraternal feeling which brought us together, and which alone can keep us together. But, unfortunately, the public mind in the north has been much excited by the passage of one of those laws: that for carrying into effect the provisions of the Constitution on the subject of fugitive slaves, and it has been misquoted and misrepresented with such a boldness of perversion, unknown before in our political controversies, that its repeal is loudly called for in one portion of the country, and feared, if not anticipated, in another. For myself, I believe the repeal of that law would dissolve this confederation, as certainly as the morrow’s sun will rise upon it. I believe the south would consider it a dereliction of constitutional duty, which

would leave inoperative a great constitutional obligation, and a gross violation of political faith, which would destroy all confidence for the future, and that they would seek their remedy by assuming an independent station among the nations of the earth; and believing this, I, for one, shall oppose its repeal.

“I am among those who acknowledge the stability of the constitutional obligation to surrender fugitives from justice, and fugitives from labor. I am among those who believe that the Constitution is a law high enough for American citizens, in the regulation of their civil rights and duties, subject to the exposition of the proper tribunals. And I am satisfied that the act of 1793, on the subject of fugitive slaves, as I have already taken occasion to say in the Senate, had become inefficient, and almost useless, and principally from the adverse action of the State legislatures. And nothing could more strikingly demonstrate the truth of this proposition, than the fact stated by Mr. Webster, and confirmed by Mr. Quincy, that in the State of Massachusetts, where the opposition to the present law has been most general and violent, no fugitive slave has ever been surrendered since the adoption of the Constitution. It is difficult to deal with such a state of things, and at the same time preserve our respect for those who seek to make political capital out of this agitation, so utterly unsuited to the occasion. And what renders this course the more extraordinary, is the fact that it has never been shown, so far as I know, that one single person, not a slave, has ever been surrendered anywhere under the Constitution. And yet, to read the violent speeches and essays upon this subject, one might suppose that the sending of free persons into bondage was an every-day occurrence, which called for universal indignation. The recent disclosures which have been made since the new law went into effect, and which show a fugitive slave population in the non-slaveholding States, far beyond what any one had anticipated, is the best commentary upon the inefficiency of the former statutory provisions, and the best justification for the complaints of the south. What, then, my fellow-citizens, do we want? We want the restoration of harmony and tranquillity to every portion, however scattered, of this great republic, stretching from the shores that look upon Europe to those which look upon the islands and continent of Asia. All want the peaceful enjoyment of our priceless institutions, and especially so do we who are approaching our three score years and ten, who

have passed our lives happily under this government, and who desire to cast off the fearful apprehension that, long as we have lived, we may yet outlive the Constitution of our country. American citizens from the cradle, in God's good time, we hope to descend as American citizens to the grave, with the conviction that after the religion of His Son, we leave to our children the richest heritage that ever descended to a people. We want no more discord, excitement, agitation, but that the legislation, the business, the intercourse of the country, should go on as in our former days of true union, with all the prosperity which belongs to such a state of things. No more crusades against the south, no more public assemblies to denounce and vilify its people and its institutions, no more traveling missionaries to excite us against one another, and especially no more foreign traveling missionaries who have at home objects of misery quite enough to engage all their philanthropy, and exhaust all their charity, without coming here to instruct us how to deal with a great question of constitutional duty.

“We want the ministers of religion to preach the gospel of the meek and lowly Jesus, and not to convert their pulpits into political tribunes, to inculcate the doctrine utterly inconsistent with the existence of social order, that every man has the right to resist the laws of his country, when they differ from a standard he chooses to establish for himself, and of whose extent and obligations he must be the judge. This is not the example which was left us by our Divine Master and his apostles. And who can point to a single advantage which has resulted from all this violence, much, indeed, of it, virulence? Has the prospect of emancipation in a single State been advanced by it? No, no. By a natural spirit of re-action—a spirit which prompts all of us to resist foreign interference, the institution of slavery is more firmly established in all the slaveholding States than it was thirty years ago. In the operations of an excited zeal, the fearful consequences involved in the question of emancipating three and a half millions of human beings, of a different race, habits, color,—in everything, indeed, that constitutes human identity, living in the midst of another and superior caste, are utterly disregarded, and men rashly deal with such a subject as they would deal with a question of common domestic economy. Well it is for the south that this whole matter belongs to themselves. There it can only be left,

and there the Constitution has left it. If there are any of us in the non-slaveholding States so afflicted with a superabundant philanthropy that we can not be easy without philanthropic action, if we will but stand in our own doors, we can look around and see objects enough for our charitable exertion, without expanding and expending this sympathetic feeling where the cost to us is as little as the advantage to others. It is a cheap way to be charitable, looking at its results upon the peace of the country. We have just been told, in a public meeting at Worcester, by a modest English missionary, who has come over here to enlighten our ignorance, and stimulate our virtuous indignation, that the 'idea of abolition had taken root, and could no more be put down than the waves of the broad Atlantic could be rolled back, &c.' And this is precisely what the south fears, and what a large portion of the south believes, and what increases the fearful difficulty of their position, and of ours. They see in all these movements an eternal attack upon the institutions of independent States, and they foresee the time when the barriers of the Constitution will be broken down, and this object pursued till accomplished or defeated by some terrible crisis. The south is committing no aggression upon the north. They do not claim the right to interfere in our domestic relations, and to mould them to their own pleasure instead of ours. I firmly believe that a great majority of the southern people would be fully satisfied with the compromise measures of the last session of Congress, if these are faithfully adhered to, and this perpetual warfare upon them and their institutions terminated. They acknowledge the institutions of the Constitution, and are willing to abide by them. Are we willing to meet them in this patriotic duty? I trust we are, fellow-citizens; I feel sure we are. But we have passed the season of empty professions, and need action, vigorous, united, constitutional action. We have approached the brink of destruction, and if we do not speedily retrace our steps we shall be precipitated into the abyss. These times and this question are above party. It is not a difference of opinion respecting modes of administration which divides us, but it involves the very existence of the confederation. Wherever, or whenever, or however this question comes up, let us forget that we are party politicians, and remember only that we are Americans. Let us follow the example of the venerable Kentucky statesman, doing battle for his country towards the

close of a long and illustrious life, with all the intellect and energy of his youth, and forgetting his party associations in the higher party of the Constitution. Let us discountenance all further agitation of this whole subject. Let us rest upon the compromise, firmly and honestly. Let us satisfy the people of the south, that the Constitution is a law which is high enough for patriotic Americans, and that for us and our households, we will hold by our obligations. If we do this, all will be well. If we do not, we shall add another to the long list of nations, unworthy of the blessings acquired for them by preceding generations, and incapable of maintaining them, but none as signally as we."

This speech was received with the highest marks of approbation by a thronged and intelligent auditory; and the words of admonition which he thus feelingly uttered should be borne in mind by every peace-loving and law-abiding man, no matter what may be, or what may have been, his political faith.

On the third of March, 1851, his senatorial term again expired. The people of Michigan, in anticipation of this event, elected members to their legislature, in the fall of 1850, who were favorable to his re-election. They were proud of their representative in the Senate of the United States. Their sentiments, on all the prominent measures that occupied the public mind, had been truly represented, and they wished General Cass to continue in his lofty position. He, in truth, was quite indifferent about it. If he consulted his own personal inclination, he much preferred the quietude of retirement. He was urged, however, by distinguished politicians, at home and abroad, to prolong his senatorial career. Yielding to their solicitations, he consented to do so; and the result was, that the legislature of Michigan, on the first day of its session in the winter of 1851, re-elected him senator for the term of six years from the fourth of March following. This high trust of his fellow-citizens, again thus renewed, he cheerfully accepted, and is now discharging its duties with his accustomed ability, and to the satisfaction of intelligent constituents.

During the time General Cass has been in the Senate, he has often been invited to deliver addresses before literary societies, agricultural associations, and other public bodies, in different parts of the country; and frequently he has gratified the request of his admirers. Always attentive to his public duties, yet he has so economized his time as to find an opportunity for these literary

labors. A perusal of these efforts of an active mind would show the reader how much of vigor and freshness it continues to impart to them. Well versed in the literature and history of the present and past ages, he adds to this, in all his writings, the observations of a long experience in the affairs of mankind, and a more intimate knowledge than a stranger to him would suppose, of all the practical arts and sciences in daily use among the avocations of his fellow-citizens. These attainments he has acquired by constantly employing his time and thoughts, either in study, reading, or observation. He has not listlessly passed away his time.

CHAPTER XLII.

General Cass again at his Post—Preparations for another Presidential Contest—General Cass a Candidate—His Friends—The Nominating Canvass—Baltimore Convention—The Result—The Cuban Question—The Views of General Cass.

General Cass resumed his seat in the Senate on the first Monday of December, 1851, under his renewed appointment. He was promptly at his post at the commencement of the session. Such may be said of him at every session. He answers at the first roll-call, and remains uniformly, without reference to weather or climate, till the session is closed. It has been his remarkable good fortune rarely to be detained at his rooms by illness. This uninterrupted health is not, however, the work of chance. He takes care of it. He is a man of correct deportment and regular habits. The sensation of drunkenness he never experienced; and as for gluttony or debauchery, no person has publicly laid these vices at his door, or had cause for so doing. He is a plain man—unostentatious in appearance and habits, but an adherent to the ordinary rules of well-bred society.

When this session of Congress opened, it was apparent that no very important measures would engage its attention. The administration had none to bring forward that would excite the public mind. The attention of the country was less upon Congress than upon the politicians outside of the capital. Another Presidential canvass was fast approaching, and the two leading political parties were initiating movements preparatory to it. As usual among the Democracy, the names of several eminent statesmen were mentioned for the Presidential candidate in 1852.

District and State conventions were held in various localities, and delegates appointed. The name of General Cass was on the tongues of his old admirers, and district after district, State after State declared for him, insomuch, that it became evident to the unprejudiced that his friends would have a controlling influence in the deliberations of the convention.

The public presses, of all preferences, conducted the canvass for

the election of delegates with fairness. As the day for the assembling of the convention drew near, most, if not all, of the distinguished men who were spoken of for the first office in the world, were interrogated by Mr. Scott, of Richmond, Virginia, relative to the slavery question. General Cass gave a candid and prompt reply—precisely such a reply, we presume, as was expected by his interrogator. It was a mere rehearsal, of course, of what he had said a hundred times before, both publicly and privately. Having had no motive for a concealment of his views, at any time since he came before the public, it is not extravagant to insist that everybody who had taken interest enough to inquire was fully acquainted with them.

It has been customary, for many years, for leading men in the several State delegations to compare notes in Washington, just prior to the holding of the national nominating conventions. This very proper custom was observed in 1852, with this difference—that they came there in larger numbers. The federal capital was unprecedentedly full of active and scheming delegates the last week in May. They were there without respect to seniority, opposition, or age, from all parts. That was not all. An immense lobby came also. The city of Washington, for four days, at least, was one vast caucus. As General Cass was evidently ahead in this race for the nomination, the friends of the weaker candidates naturally were inclined to form combinations against him. His friends, however, gallantly contested the point with good humor, and the caucus adjourned to the neighboring city of Baltimore—the friends of the several candidates vying with each other in this untiring and energetic contest.

The convention assembled at Market Hall on the first day of June, and organized by the appointment of John W. Davis, of Indiana, as president. Mr. Davis having previously served one term as speaker of the House of Representatives, was possessed of all the parliamentary experience that was necessary for the orderly conduct of the convention. Among the members of the convention were several of the most distinguished men in the Democratic party. The primary conventions had been, in this regard, peculiarly fortunate.

Several days were consumed in deciding upon contested seats. A variety of resolutions were offered for the consideration of the convention, and all of which, so far as the slavery question was

concerned, invoked the delegates to regard the compromise measures of 1850 as a finality. In the meantime, an intense excitement prevailed on the question of nominees. In many States, several delegates were appointed to represent the same district. There were in attendance about five hundred persons to cast the two hundred and ninety votes—the legitimate number of votes entitled to be cast in the convention.

The balloting for a candidate for President commenced on the third day of the session, and ran into the fifth day ere a result was reached. Forty-nine times each State was called for its vote; each ballot of this unparalleled series, and the vote of each State, was watched with the most eager curiosity, it is within the limits of truth to say, by an audience of five thousand persons. General Cass and one of his competitors in the convention of 1848, Mr. Buchanan, of Pennsylvania, for a great number of ballots were the highest, General Cass leading all. Then, for a series of ballots, Mr. Douglass, of Illinois, crowded hard upon General Cass, but did not come up even, and soon fell back, the General still holding the lead with an excellent spirit. When the break occurred in Mr. Douglass' forces and his vote fell, General Cass rose suddenly to over one hundred votes, having fallen a few moments before to the low number—low for *him*—of twenty-five. This sudden change of front disconcerted the opposition; and as it was toward the close of the day on Friday, a motion to adjourn until the next morning, after one unsuccessful attempt, was carried.

Upon the assembling of the delegates the next morning, the convention again proceeded with the ballotings. The friends of General Cass still clung with unyielding tenacity to their favorite, and his vote reached a higher number than at any time before. His leading competitor this morning—the fifth and last day of the session—was Governor Marcy, of New York. This distinguished statesman outstripped all the other competitors of the General, he having received, on one ballot, ninety-eight votes.

Thirty-four ballots had been now taken, and the delegates in all parts of the hall began to suggest an adjournment *sine die*, without making a nomination. They grew weary of their labors. It was sufficiently manifest to every observer, that no name had yet been brought forward strong enough to overthrow General Cass. There was only one way to beat him, and that was to rescind the two-third rule, and by a combination upon one of his distinguished

competitors, produce a result by a majority vote. This plan, if seriously meditated, was discovered to be impracticable, because of the impossibility of union. As it was, without reference to the question whether a union could be formed, the friends of General Cass comprised more than one third of the convention. It was evident, therefore, to all, that no person could get the requisite two third number, unless they gave way.

Virginia had uniformly voted for Mr. Buchanan, until the morning of the fifth day, when she cast her vote for Daniel S. Dickinson, of New York. Mr. Dickinson immediately declined this honorable manifestation of regard, and the delegation from this State retired from the hall of the convention for consultation. Upon their return, upon the call of the thirty-fifth ballot, they cast the vote of the State for Franklin Pierce, of New Hampshire. It created a profound sensation. It was a new name in that body; he was favorably known to the members; he was of the pure Democratic stock, and foremost among the first in his own State. He had filled several important official positions in the councils of his own State and of the nation; he had served with gallantry on the bloody fields of Mexico, at the head of his brigade, in the prime of life, and was competent to discharge the duties of the Presidency.

The convention proceeded more rapidly with several successive ballots, and on the forty-ninth he was declared the nominee, amid the most tumultuous acclamation. The roar of the cannon proclaimed the result to the people, and the lightning disseminated the intelligence to the four quarters of the Union.

General Cass, throughout this severe and protracted trial, remained at his quarters in the city of Washington. He was grateful for the constancy of his friends, and was aware of what would be the result of the labors of the convention ere they reached it; he was content, and upon the adjournment of Congress advocated the Democratic ticket. He called upon his fellow-citizens to give it an enthusiastic support; and Michigan stood shoulder to shoulder with the Democracy of the nation; her electoral vote was given to Pierce and King.

The Cuba question had been prominent in the canvass, and it had more or less to do in the election of the members of the nominating convention. General Cass had been pronounced an "old fogey," in certain quarters, because of his disinclination to embark

in the wild projects of a class of his fellow-citizens, called *Filibusters*. They did not consider him fast enough for their purposes. He was in favor of the annexation of the queen island of the West Indies to the United States, but not *vi et armis*; he was against the violation of the law or courtesy of nations; he viewed with disfavor any violation of treaties, solemnly made between his own government and Spain; he believed, and still believes, that this lovely isle should not be torn, by American hands, from its parent government. Spain must either part with it for a consideration, or it will, in due course of time, of its own accord, drop into the lap of the American Union.

The subject came before the Senate at the ensuing session of Congress. There evidently was a growing restlessness among some portions of the people. Rumors of expeditions to take possession of the island, and establish a new government, succeeded each other day after day; the attention of our national legislature was called to it, and it became necessary for them to speak out, and take their position before the world.

General Cass would have been strangely inconsistent if he had declined the call. With his sentiments matured upon this subject, he was ready to do so. On the eighteenth of January, 1853, the Senate proceeded to consider the joint resolutions declaratory of the views of the United States respecting colonization on the North American continent by European powers, and respecting the Island of Cuba. The resolutions were worded as follows:

“Be it resolved, &c., That the United States do hereby declare that ‘the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.’ And while ‘existing rights should be respected,’ and will be by the United States, they owe it to their own ‘safety and interests’ to announce, as they now do, ‘that no future European colony or dominion shall, with their consent, be planted or established on any part of the North American continent.’ And should the attempt be made, they thus deliberately declare that it will be viewed as an act originating in motives regardless of their interests and their safety, and which will leave them free to adopt such measures as an independent nation may justly adopt in defense of its rights and its honor.

"And be it further resolved, That while the United States disclaim any designs upon the Island of Cuba inconsistent with the laws of nations and their duties to Spain, they consider it due to the vast importance of the subject, to make known, in this solemn manner, that they should view all efforts on the part of any other power to procure possession, whether peaceably or forcibly, of that island, which, as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts, directed against them, to be resisted by all the means in their power."

The question pending was on the following amendment offered by Mr. Hale :

"And be it further resolved, That while the United States, in like manner, disclaim any designs upon Canada, inconsistent with the laws of nations, and with their duties to Great Britain, they consider it due to the vast importance of the subject to make known, in this most solemn manner, that they should view all efforts on the part of any other power to procure possession, either peaceably or forcibly, of that province, (which, as a naval or military position must, under circumstances easy to be foreseen, become dangerous to their northern boundary, and to the lakes,) as unfriendly acts directed against them, to be resisted by all the means in their power."

General Cass, without reserve, expressed his views relative to the project of reconverting the American continent into European colonies, and likewise respecting the position it was our duty to assume and maintain. With reference to the second resolution, looking to the present and future of the Island of Cuba, he said :

"I desire the possession of Cuba, earnestly desire it, whenever we can justly obtain it, and the sooner that time comes the better; for then will be finally settled one of the most delicate questions—the most delicate, perhaps, in our foreign policy, always liable to embarrass us by grave conjectures, more easily to be foreseen than to be guarded against. As to the means, though as I have already said, I am prepared to advocate its purchase, even at the most liberal price, still I should prefer its acquisition by the action of the people of Cuba—and a noble tribute it would be to our institutions—in the exercise of their power as an independent nation, could they succeed, by any arrangement with Spain, in

procuring her recognition of that condition, or should they be able and prepared to establish their right to a place in the family of nations."

He examined the questions of right and expediency; and then proceeded to develop his views on the most interesting topic of all, connected with the subject matter of the resolutions. Said he:

"The Gulf of Mexico is the reservoir of that great river of the North American continent, whose importance it is as difficult to realize, as it is the value of the country, which must seek an outlet to the ocean through its waters. That country is nearly equal to all Europe in extent, embracing twenty-five degrees of latitude, and thirty-five of longitude upon the great circles of the globe. This vast basin extends from the summit of the Alleghany to the summit of the Rocky Mountains, and its population now equals eight millions. The man yet lives who was living when almost the first tree fell before the woodman's stroke in this great domain; and the man is now living who will live to see it contain one hundred millions of people. Already the hardy western pioneer has crossed the barrier of the Rocky Mountains, and the forest is giving way before human industry upon the very shores that look out upon China and Japan. The Mississippi is the great artery of this region, which, drawing its supplies from the fountains at the north, pours them into the ocean under a tropical sun, and drains, in its own course, and in the course of its mighty tributaries—tributaries in name, but equals and rivals in fact—the most magnificent empire which God, in his providence, has ever given to man to reclaim and enjoy. I have myself descended that great stream two thousand miles in a birch canoe, admiring the country through which it passes in a state of nature, and lost in the contemplation of what that country is to be when subdued by human industry. The statistics of such a region, in years to come, is a subject too vast for calculation. Its extent, fertility, salubrity, means of internal navigation, and the character of the people who will inhabit it, baffle all efforts to estimate its productiveness, the tribute which its industry will pay to the wants of the world, and the supplies which the comfort and habits of its people may require.

"During the palmy days of Napoleon, it is said that one of his projects was to convert the Mediterranean into a French lake. England has nearly done what defied the power and ambition of

the great conqueror. She has almost converted it into an English lake, in time of war. Gibraltar commands its entrance, Malta the channel between Sicily and Africa, and the Ionian Islands the waters of the Levant. There were good reasons for believing, a short time since, that England was seeking to obtain a cession of the Island of Crete, the ancient kingdom of Minos, which would give her the port of Canea, that I found one of the most magnificent harbors in the world, equally capacious and secure. If England, in the pursuit of the same system, should acquire similar commanding positions on the Gulf of Mexico, that great reservoir would become a *mare clausum*, and no keel would plow it, nor canvass whiten it, in time of war, but by her permission. Now, sir, looking to the extent of our coast in that direction; to the productions which must pass there to seek a market; to the nature of our population, and to the effect upon all these which a permanent naval superiority would produce—where is the American who is not prepared to adopt any measures to avert such a calamitous state of things? Who can fail to see the nature of the predatory warfare which England would carry on, in all times of hostilities, from her various positions which would encircle the Gulf, from the Bahamas to Cuba and to Yucatan? And who, also, can fail to see, that even in time of peace, her many harbors would become places of refuge for a certain class of our population, and that perpetual collisions would occur, involving the peace of the two countries?

“The Gulf of Mexico, sir, must be practically an American lake, for the great purpose of security; not to exclude other nations from its enjoyment, but to prevent any dominant power, with foreign or remote interests, from controlling its navigation. It becomes us to look our difficulties in the face. Nothing is gained by blinking a great question. Prudent statesmen should survey it, and, as far as may be, provide for it. We have, indeed, no Mount Carmel, like that of Judea, nor prophet to ascend it, and to warn us against a coming storm. But the home of every citizen is a Mount Carmel for us, whence we can survey the approaching cloud, even when no bigger than a man’s hand, which threatens to overspread the political atmosphere, and to burst in danger upon his country.

“So long as Cuba is held by its present possessors, neither we nor the commercial world have anything to fear from the projects

of England or of France; for the latter country also has its schemes of territorial and mercantile aggrandizement, as is apparent from the considerations I have already presented to the Senate. Spain is not now in a condition, and in all human probability never can be, seriously to annoy us, even if she had the disposition, and we may well rely upon her want of power and her want of will, and rest satisfied that her most precious dependency, the Queen of the Antilles, will not be hazarded by converting it into a military and naval arsenal for interrupting and seizing our commerce, and devastating our coasts. But let the dominion be transferred to England or France, and where are we? The mouth of our great river might be hermetically closed, and the most disastrous injuries inflicted upon us. I need not pursue these considerations farther, for he who is incredulous to their force would not be driven from his incredulity by any effort of mine.

“ We have evidently reached one of those epochs in the career of nations to which the historian of their decline and fall looks back, in his searching investigation, into the causes of their fate. Our duties are plain, noble, indeed, and our position invites us to fulfill them, firmly and fearlessly. The progress and improvement in all the great branches of human industry, and especially in those which relate to the intercommunication of nations, and to the benefit which each may derive from all by the interchange, as well of knowledge as of material products, have brought the human family more closely into contact than at any former period, and have opened interests, which, if not new, have become much more powerful in their extent and operation, and which give some degree of unity to the public feeling of the world. We can not withdraw from this great association. We can not isolate ourselves from the common sentiment of the age, nor ought we to do so if we could. Our place is assigned to us by events almost beyond our control, and as we fill it, worthily or unworthily, the judgment of the future will pronounce us the inheritors of the spirit, as we have been of the labors and sacrifices, of the men of the Revolution, or craven descendants, false to their principles as to our own honor. I am well aware, Mr. President, that such views expose a man to a great deal of obloquy in this country. I have experienced all that, in common with many others. But neither the advent, nor the apprehension of it, has deterred me, at much

earlier periods of life, and certainly will not deter me now, when that life is fast drawing to a close, from the expression of an earnest hope, that the American name and fame will be maintained by the American people, with the brightness of true glory, undiminished by the neglect of a single deed which national honor may require we should do, or leave undone."

Since the delivery of this speech, from which these extracts are taken, we believe no person has been puzzled to know what General Cass' views are on the Cuba question. It remains to be seen whether its future history reflects the truth of his position.

CHAPTER XLIII.

President Pierce — His Inaugural — The Nebraska-Kansas Bill — General Cass' Position, Views, and Votes — The Attack of Colonel Benton — General Cass repels it — His Speech — Extracts.

With the Presidential campaign of 1852, the bubbling elements of the sensitive subject of slavery subsided, for the Baltimore Convention having treated the compromise measures of 1850 as a finality, the subject was ignored. The steadfast friends of the Union, through good and through evil report, breathed freer and deeper. They reposed in the happy consciousness, that the most mighty nation on the face of the globe could now go forward in her glorious mission of republicanism, unembarrassed by domestic feuds and intestine broils, and untrammelled by the interference of distant governments.

President Pierce, in his celebrated inaugural address, on the fourth of March, 1853, distinctly and emphatically avowed his policy to be, to carry out, in good faith, the publicly announced sentiments of the convention that brought him before the people. So far as eye could penetrate, this annunciation found a lodgement in the hearts of a large and influential majority of his countrymen. Nor was this approval confined to any particular States or division of States. It permeated the whole — the north and the south, the east and the west.

The angry and agitating discussions which resounded in the federal halls of legislation, and echoed from crowded cities and lonely cabins — from the hills of New England, the prairies of the west, and the savannahs of the south — from ocean and lake — all had died away, furnishing another beautiful tribute to the priceless value of free institutions. Prosperity and good feeling — quiet and fraternity among the States — were restored; and the honest-minded patriot looked forward to many long years of tranquillity. Anxiety and alarm had passed away, and peace reigned within the walls of the American republic.

But old, and, in too many instances, true, is the maxim that a certain stillness always precedes the tempest. The thirty-third Congress came together in December, 1853. The usual standing committees had hardly been announced in the Senate, ere bills for the organization of the Territories of Nebraska and Kansas were noticed by Mr. Douglass, of Illinois—looking to the repeal of the Missouri compromise bill of 1820—and thereby again opening all the disputed points connected with the subject of congressional action upon slavery in the territory of the United States. This was the tocsin of alarm, and quick did its ominous sounds reverberate all over the country. For thirty years had it reposed under the ægis of the parallel latitude of $36^{\circ} 30'$: above that, human bondage was never to go. The proposition now, was to demolish this barrier to the swelling torrent of slavery, and let it have free scope. Good men and true paused in wonder: the quiet were aroused from their lethargy: the sentinels who always stood guard on the battlements of human freedom, frantic with rage, gave the alarm; and the anti-slavery cohorts of all the northern United States again took the field, clad in the panoply of eternal opposition to the further extension of the peculiar institution of their southern brethren. But yesterday, the whole hemisphere was without a cloud for the most far-sighted vision to rest upon: to-day, the horizon betokened a terrific tempest. Alas for the vanity of all human expectations! and here was a most apposite and unlooked-for demonstration.

Since the violent storm of 1850, General Cass had ventured to indulge the belief, that this everlasting topic of internal controversy had been put to rest, and that, in his day, at least, it would not again disturb the repose of his country. Many days, however, had not elapsed after these new propositions had been brought forward, before the scales dropped from his eyes, and he beheld, at one glance, the length and breadth of what was to come. He was in favor of the organization of governments for the Territories under consideration, but he deprecated the repeal of the time-honored line drawn between slavery and freedom, under the solemn compact by which Missouri took her position, as a sovereign member of the confederacy, in 1820: and so he told the Senate on the twentieth of February, 1854.

“With the honorable senator from Massachusetts [Mr. Everett] I frankly avow that I was filled with doubt and alarm during the

troubles and contests which were terminated by the compromise measures of 1850, and he who was unmoved, had more apathy or apprehension than I had. But though the ominous cry of 'Woe, woe to Jerusalem!' is once more heard, I do not believe that the country is in any danger, not the least; but still I do not deny that these frequent, almost periodical, renewals and revivals of this threatening subject, must necessarily produce irritation and excitement, tending to array one section of the country against another, and thus we weaken those ties of confidence and affection so essential to the permanence and tranquillity of this mighty confederacy. Events, connected with our territorial aggrandizement, seemed, as their necessary consequence, to lead to the former agitation; but the present one has burst upon us without warning, and, as I think, from causes which might have been avoided.

"Mr. President, I have not withheld the expression of my regret elsewhere, nor shall I withhold it here, that this question of the repeal of the Missouri compromise, which opens all the disputed points connected with the subject of congressional action upon slavery in the territory of the United States, has been brought before us. I do not think the practical advantages to result from the measure will outweigh the injury which the ill-feeling, fated to accompany the discussion of this subject through the country, is sure to produce. And I was confirmed in this impression by what was said by the senator from Tennessee, [Mr. Jones,] by the senator from Kentucky, [Mr. Dixon,] and by the senator from North Carolina, [Mr. Badger,] and also by the remarks which fell from the senator from Virginia, [Mr. Hunter,] and in which I fully concur, that the south will never derive any benefit from this measure, so far as respects the extension of slavery; for, legislate as we may, no human power can ever establish it in the regions defined by these bills.

"And such were the sentiments of two eminent patriots, to whose exertions we are greatly indebted for the satisfactory termination of the difficulties of 1850, and who have since passed from their labors — we may humbly hope, to their rewards. *It is excluded by a law, to borrow the words of one of them, in which the other fully acquiesced, superior to that which admits it elsewhere,—the law of nature, of physical geography, the law of the formation of the earth. That law settles forever, with a strength*

beyond all terms of human enactment, that slavery can not exist there.

“Thus believing, I should have been better content had the whole subject been left as it was in the bills when first introduced by the senator from Illinois, without any provision regarding the Missouri compromise. I am aware it was reported that I intended to propose the repeal of that measure; but it was an error. My intentions were wholly misunderstood. I had no design whatever to take such a step, and thus resuscitate from its quietude a deed of conciliation which had done its work, and had done it well, and which was hallowed by patriotism, by success, and by its association with great names now transferred to history. It belonged to a past generation; and in the midst of a political tempest, which appalled the wisest and the firmest in the land, it had said to the waves of agitation, *Peace, be still!* and they became still. It would have been better, in my opinion, not to disturb its slumber, as all useful and practical objects could have been attained without it. But the question is here without my agency, and I am called upon to take my part in its adjustment. I shall do so frankly and fearlessly.”

The bills, after debate, were referred back to the appropriate committee, and again reported with an amendment to meet the views of General Cass. That amendment declared that the people, whether in the Territories or in the States to be formed from them, were free to regulate their domestic institutions in their own way, subject only to the Constitution of the United States. With this arrangement of the details of the bill, as now proposed, he announced, that if called upon, he should vote for it. He was aware that the bill, in its final shape, would be unpalatable alike to many northern and southern men, but for different reasons,—the southerner, because of his fear that in the settlement of the Territories free men would obtain the ascendancy; and the northerner, because of his repugnance to a squabble for the control. But General Cass, without fear or favor, had years before settled for himself the principles that must govern his official conduct, whenever this subject came up for action. And those principles, so far as the Territories were concerned, was the application of the doctrines of popular sovereignty. He never had intruded the subject of slavery upon the attention of Congress. He, in no instance, has brought it forward. His action and votes have,

invariably, been consequent upon the acts of others. If he could have his own way, he would not disturb the compromises of 1787, of 1820, or of 1850; but, adhering to them in good faith, let freedom and slavery work out their own destiny on this continent.

On this occasion he endeavored to show the Senate that neither extreme had occasion to complain. With reference to southern complaint, he remarked:

"It is not a little extraordinary that, after all the complaints we have heard upon this subject, Congress has not passed a single law excluding any man or property from the Mexican acquisitions; not one. New Mexico and Utah remain just as open to the admission of slavery at this hour as they were the hour they passed into the possession of the United States; and its exclusion from California is the act of the people, assembled in convention to form their own constitution, and not the act of the general government.

"Mr. Rhett, indeed, in a remarkable speech in this body, remarkable for an American citizen in an American legislature, undertook, by a peculiar process, to hold this government responsible for the measure—making it one sin the more in his long catalogue of offenses.

"Syllogistically his argument runs thus:

"You have no right to pass the Wilmot proviso.

"You admitted California into the Union.

"California inserted the Wilmot proviso into her constitution.

"Therefore you passed the Wilmot proviso.

"Such are the premises and the conclusions charged by Mr. Rhett upon another senator, as the doctrine of the latter, but assumed by the former as his own, when he said: 'Sir, the senator was right.'

"Sir, the senators were wrong, both of them wrong, if Mr. Rhett understood, as I doubt, the proposition intended to be advanced by the member referred to. I have put the argument in the syllogistic form, omitting its details, that the process may be the more apparent, and the conclusion the more satisfactory, or unsatisfactory, as it is approved or disapproved; a compound syllogism, I think, they called this form in the schools. But all the subtleties of verbal metaphysics, from the days of Aristotle downwards, with their major and minor terms, their copulas and predicates,

and all the other machinery by which words usurp the place of ideas, could not establish the truth of such a conclusion, nor persuade the American people, that because a State excludes or admits slavery by its constitution, Congress is responsible for that act when it provides for the admission of such State into the Union. I repeat, not an act of the general government has touched this claim of right in the slightest degree; and if ever an American might by law take slaves to any of the region acquired from Mexico, he may do it yet, so far as regards the operation of congressional legislation. It is a judicial question, which may at any time be brought before the judicial department of our government.

“And this brings me to the consideration of the true ground of these complaints, and how far they have any real foundation.

“The south is excluded from the Territories, robbed of them, plundered of them, and they are appropriated to the north !

“Now, is this so, Mr. President? What prevents a southern man from going to any of those regions under the same circumstances as a northern man, if he chooses? I know of nothing. Physically one can go as well as the other, for, in the language of a great dramatic poet, both have ‘eyes, hands, organs, dimensions, sorrows, affections, passions, fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer.’

“If there is no physical incapacity, neither is there a legal one in the way of emigrants from the north or from the south. All are equally free to go at their pleasure. The statute book is without a single prohibition upon the subject.

“Where, then, is this unjust exclusion, this act of atrocious robbery on the part of the general government? It certainly is not an act of commission, for Congress has not legislated on the subject at all. It must be robbery by omission, a new sin in the decalogue. The existing laws of the country render the condition of slavery an illegal one, and it was contended that the act of annexation, and the constitutional equality which is its immediate and necessary consequence, abrogated this provision, and that a slaveholder was as free to hold his peculiar property there as are the inhabitants themselves to hold any other species of property. Well, this is obviously a right which, if it exist, can not be taken away, and which may, at any time, be enforced

before the judicial tribunals. It has not even been touched by congressional action, and it is a mere perversion of terms to talk of robbery, where the right and the remedy, whatever these may be, are in just as much force as ever, so far as regards congressional legislation. It is a robbery without a robber, an aggression without an aggressor, an injury with none to commit it, and none to benefit by it.

“I repeat, then, what prevents a southern man from going to any of these Mexican acquisitions? The only incapacity alledged, is the inability to hold slaves there. And this inability, if it exist, results from the law of the place, and, in point of fact, is inconsistent with the assumption of a constitutional right, and would fall before it, could it be established. But, leaving to others to reconcile this contradiction, I have to remark that this difficulty may resolve itself into two objections; first, that slavery is so necessary to human comfort, to comfortable existence, indeed, that our southern brethren can not live where it is not established, and that to exclude it, is to exclude them from any portion of the earth, however otherwise desirable. Now, sir, I can admit no such position. I have too high an opinion of the people of the south to believe that they can not accommodate themselves to any social system of which slavery does not form an essential part. This is a very different question from its established existence in a community of which we are members. There we may uphold it from the conviction that immediate ruin would follow its extinction in any manner yet offered to public consideration. Upon this subject I should feel just as the south feels, were I a resident there, and should hold in abhorrence every external effort to interfere with this momentous question. But far otherwise is the proposition, that to live in a non-slaveholding community is a sacrifice which amounts to an interdiction against entering into it, an *utter exclusion* from its advantages. Why, sir, people from slaveholding States practically contradict such an assumption every day, by migrating to other States where slavery does not exist, as they are continually doing; and I presume no one will deny that human comfort and the blessings of civilized life are to be found in many communities, at home and abroad, from which slavery has been excluded, or where it never existed. It is worse than idle to advance such a proposition. It is rebuked by the experience of the world.

“The second objection which I propose to consider, connected with this alledged seizure of the public domain, is, that a southern man can not go there because he can not take his property with him, and is thus excluded by peculiar considerations from his share of the common territory.

“So far as this branch of the subject connects itself with slaves, regarded merely as property, it is certainly true that the necessity of leaving and of disposing of them may put the owners to inconvenience—to loss, indeed—a state of things incident to all emigration to distant regions; for there are many species of that property, which constitutes the common stock of society, that can not be taken there. Some, because they are prohibited by the laws of nature, as houses and farms; others because they are prohibited by the laws of man, as slaves, incorporated companies, monopolies, and many interdicted articles; and others, again, because they are prohibited by statistical laws, which regulate the transportation of property, and virtually confine much of it within certain limits which it can not overcome, in consequence of the expense attending distant removal; and among these latter articles are cattle, and much of the property which is everywhere to be found. The remedy in all these cases is the same, and is equally applicable to all classes of proprietors, whether living in Massachusetts, or New York, or South Carolina, and that is to convert all these various kinds of property into the universal representative of value, money, and to take that to these new regions, where it will command whatever may be necessary to comfort or to prosperous enterprise. In all these instances the practical result is the same, and the same is the condition of equality.

“I listened with great interest to the eloquent remarks of the senator from North Carolina, [Mr. Badger,] upon this whole subject, and especially to those in which he depicted, with equal force and feeling, the painful circumstances connected with the disruption of those ties of habit and affection which bind every just master to his slaves, and particularly to those domestic slaves most intimately associated with his family. This is so, sir, beyond doubt, and it is among the harsh trials which make part of the shifting scenes of life in which we are all engaged. The northern emigrant has his full share of these sacrifices; for rarely, indeed, does he fail to leave behind him some of the dearest objects of his affections, too often with little hope of rejoining them

on this side of the grave. These scenes of sorrow belong to that life of change which almost makes part of the American character; but, painful as they are, they can not enter into the determination of legal or constitutional rights which appeal to right principles, and not to the kindlier emotions of the heart.

"It follows that all the citizens of the United States have equal claims to go to the national domain, under equal circumstances, each responsible to the laws, and each entitled to take whatever the laws permit. Otherwise, as strange a confusion would exist in the legal systems of the 'Territories' as existed in the language of the world when the primitive race was scattered upon the plains of Shinar, and *when one man could not understand another's speech*. The tenure and the incidents of property would not be regulated by the laws of the country where it would be enjoyed, but by the laws of the country whence it came.

"Such a principle would strike at independent and necessary legislation, at many police laws, at sanitary laws, and at laws for the protection of public and private morals. Ardent spirits, deadly poisons, implements of gaming, as well as various articles, doubtful foreign bank bills, among others, injurious to a prosperous condition of a new society, would be placed beyond the reach of legislative interdiction, whatever might be the wants or the wishes of the country upon the subject. For the constitutional right by which it is claimed that these species of property may be taken by the owners to the 'Territories' of the United States, can not be controlled, if it exist by the local legislatures; for that might lead, and in many cases would lead, to the destruction of its value. If apprentices were made property, and their term of service should be extended by any member of the confederation to the age of sixty years, or to the full term of life, or if peonage shall be introduced, or white slavery be established by indenture, or in any other form, these new kinds of servitude would be placed beyond the reach of the territorial laws, and would introduce themselves wherever the public domain exists. And can the peonage of New Mexico be carried by right to Minnesota? or, had California retained it, would the laws regulating it have extended themselves immediately over all the Territories? And certainly the case put by the senator from Massachusetts tests and illustrates this claim; for if polygamy should be established by law, as it is by usage in Utah, and should make part of its consti-

tution, these contemnners of the word of God and of the feelings of man, might transfer themselves with their harems to any of the Territories, and there live in open contempt of law and religion."

With reference to the northerner, and the moral sentiment of the people upon the relations of master and slave in the northern States, he remarked:

"The *status* of slavery has existed from the earliest ages of the world; and regretted, as it is and must be by the moralist, it is a great practical political question which every established community where it is recognized must adjust for itself. The Revolution found it in most of the States, and there it was at the adoption of the Constitution, and in many of them it yet remains, making part of the rights and guarantees of the confederation. To touch it by the general government, would be to shake to its corner-stone our whole political edifice. Like other human institutions, it has neither all the advantages its friends claim for it, nor all the evils its enemies deplore. Believing it a misfortune for any country, I regret its establishment; but looking upon it as an existing condition, I am free to confess, that though it may come to an end, and I hope it may peacefully and justly, I see no way in which this can be effected but by leaving it to those most interested in it, and to the process they may find it best to adopt. Any external interference would only aggravate the evils and the dangers, and this our experience has already shown. As to the frightful pictures which have been drawn of cruelty on one side, and suffering and wretchedness on the other, they are gross exaggerations, by whatever modern Gulliver fabricated, whether men or *strong-minded* women, originating in ignorance or malevolence, and ministering to the worst of passions, both at home and abroad. I know something of the condition of the slaves, and I believe, in general, they are treated with all the humanity which can reasonably be expected in their situation; with a humanity honorable to the proprietors as a class, and, to say the least of it, quite as well as they would be in the northern States, had this institution not been abolished there, and far better than by many whose philanthropy is shown by the railing and reproachful words they utter, and not by the relief they contribute to objects of misery. And I know something of the condition of the poverty-stricken population of Europe, and of a large portion of the inhabitants, who lie down in sorrow and get up in care, and who pass their lives in want,

many of them in a state of destitution utterly unknown in this country; and I have seen far more misery in the proudest capitals of Europe than I ever saw in our own favored land among white or black, bond or free. A recent remark in the London *Times* better illustrates this frightful condition of human want than the most labored description:

“ ‘In London, the center and core of British wealth and pharasaical exclusiveness, one hundred thousand human beings get up every morning without knowing where they are to find a meal, except from a passing job or crime.’

“ One would think that here was field enough for the exertion of any reasonable quantity of philanthropy, and that, until these awful scenes of human suffering were removed, it would exhibit a much more commendable spirit to labor there for life first, and then for reformation, rather than to be sending political missionaries, under the guise of a universal love of mankind, to this country, kindly to excite one portion of the Union against another, and thus lead to the dissolution of the confederacy, and to the destruction of our power and prosperity. What a deplorable consummation that would be to these philanthropic Englishmen! Certainly, objects of commiseration are everywhere to be found, even in the most prosperous communities. Misfortunes, whether produced by ourselves or by the chances of life, are inseparable from human society. And there is no man who can not look around him and find objects enough upon which to exhaust his benevolence, whether its contributions are confined to puling sentimentality or extended to substantial offerings for the relief of distress. I have no patience with that costive charity which neglects the misery of its neighborhood because that demands the aid of the purse, and seeks subjects for noisy philanthropy far beyond its reach, because words are not wealth, and professions are cheaper than cash.

“ If I might presume to give an opinion upon the subject, I will say, that our southern brethren sometimes manifest too much sensitiveness at these ebullitions of ill-directed feelings, frequently sincere, but too often assumed for personal or political objects. A factitious importance is thus given to them which they would never attain, if left to their natural fate. And another and yet greater error connected with this whole subject consists in the demands, altogether too exacting, made upon the public men of

the non-slaveholding States, many of which I have seen, and some of which I have felt. No stronger proof of this predisposition can be given than the refusal, on the part of southern members of this body, to permit the insertion in the fugitive slave law of a provision allowing the right of trial by jury to the person claimed in the county whence it might be alledged he had escaped, on his restoration there, should he then demand it.

"I never could comprehend the motives for the rejection of this proposition, so just in itself, and which would have given great satisfaction to the north, and have prevented much of the hostility to the law. It would have been entirely compatible with the Constitution, for the delivery to the master would have been but a commitment, to be consummated and become final by the verdict of the jury when demanded. I was in favor of the general principles of the law, and was among the earliest to urge the justice of its passage, and the injury done to the south by the delay. The refusal to accept this proposition seemed to interpose unnecessary barriers in the way of the investigation of questions of human liberty; for certainly the objections which might reasonably have been urged against the submission of these cases to a northern jury, and which induced me to oppose the provision, had no application to a southern jury, which can have no prejudices to overcome in the examination of the rights of the parties. But not an inch of ground was yielded; and I determined not to give my assent to the law. It was a bed of Procrustes, and as I had no wish to be shortened or lengthened by a rigid adaptation to it, I found it no place for me. Had the northern senators been firm upon the point, this tribute to a great principle, interwoven with the American heart and institutions, would have been secured."

He further told the Senate, for the benefit of statesmen representing the slaveholders:

"It requires but little exertion to swim with the current, while he who opposes it must put forth all his strength, and even then may become its victim. Popular feeling is a power hard to resist, and the reproach of being a dough-face belongs to him who panders to it, and not to him who strives to maintain the constitutional rights of all, even in opposition to his own community, which holds in its hands his political life and death. This is precisely the condition which no southern man has ever had to encounter in connection with this grave subject, and it is precisely

the condition which he can not comprehend, or will not do justice to, when the course of a northern man is in question. It is not enough, with too many of the southern politicians, that public men from the free States maintain, firmly and unflinchingly, the rights of the slaveholding portion of the Union, and stand ready to meet the consequences, however disastrous to themselves, rather than participate in their violation; this, I say, is not enough: sometimes, indeed, it is nothing, unless every opinion of the south upon the general question is adopted, and unreserved allegiance professed to the declaration, that **SLAVERY IS THE BEST CONDITION OF HUMAN SOCIETY.**"

And then, that the people of the free States may know that he has no views upon this subject to be concealed from the whole public, he further said to the Senate—separating the defense of constitutional rights from the defense of slavery:

"Slavery is, in my opinion, as I have said more than once before in the Senate, and, I have no doubt, unacceptably to many, a great evil, social and political, but it is an existing one, from which I see no escape, and for which the south is not responsible to the north, nor to any other tribunal but to His, who made both bond and free; and while, either in public or private life, I have strength to express my views, not out of peculiar regard to any section of the country, but in obedience to the dictates of my own conscience, I shall never cease to uphold the right of the south to determine every question in relation to this species of property for themselves, and the duty of the whole Union to carry into effect the constitutional provision in good faith, and with kind feelings. I do not know any northern man who is disposed to go beyond this; nor is there any southern man who should desire it."

An effort was evidently being made to produce an impression that all those who supported the Nebraska-Kansas bill were, in the cant phrase of the day, pro-slavery men; and that their advocacy of it was conclusive evidence of their alienation from the principles of freedom, and of their devotion to those of slavery. General Cass chose to put himself right upon this point, and, while maintaining the just power of other portions of the Union, to deal with this question for themselves and as they pleased, to express his belief that slavery was a misfortune for any country. He chose to have it distinctly understood that it was not the institution itself he was defending, but the political rights of other

sections of the country, under the Constitution. It has been alledged that he added, in the speech above quoted, that slavery was a moral evil. He did not say so. Under the circumstances in which it exists in the southern States, he did not think so. Such an assertion would have been inconsistent with his main position—that the present inhabitants of those States were not responsible for the introduction of slavery.

Indeed, regarding slavery as a social and political evil, and a misfortune for any country, was no new view with him. In 1842, at Paris, when exposing the consequences and injustice of the quintuple treaty, he said: "We are no slaveholder; we never have been; we never shall be. We deprecate its existence in principle, and pray for its abolition everywhere, where that can be effected justly, peaceably, and wisely." In the Nicholson letter, in 1847, he repeats: "We may well regret the existence of slavery in the southern States, and wish they had been free from its introduction."

But he was not alone in these views. The Fathers of the Republic were his company. General Washington said that "it was among his first wishes to see some plan adopted by which slavery may be abolished by law." Mr. Jefferson remarks: "I can say, with truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach (of slavery) in any practicable way. The cession of that kind of property (for it is misnamed,) is a bagatelle, which would not cost me a single thought, if, in that way, a general emancipation and expatriation could be effected gradually; and, with due sacrifice, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him nor safely let him go. Justice in one case, and self-preservation in the other!"

General Cass heard Mr. Madison observe in conversation, that slavery was a great misfortune for Virginia; and such was the well-known opinion of Mr. Monroe, Chief Justice Marshall, Patrick Henry, and George Mason.

The bill for the organization of the Territories of Nebraska and Kansas finally passed the Senate; and on the night of its passage, General Cass embraced the occasion to congratulate that body upon the triumph of *squatter sovereignty*; meaning by that term, not political independence, but inalienable rights, in constitutional subordination to the general government—the right of the people to regulate their local and domestic affairs in their own way. He

had just cause for this congratulation. The adverse doctrine of total submission had been previously received with great favor in large portions of the Union. He had labored long and zealously for the recognition of political freedom, and had been exposed to misrepresentation and denunciation. When, therefore, a bill had received the sanction of the Senate which conferred a greater measure of freedom upon these Territories than had ever before been granted to such local communities; reducing the absolute veto of the government to a qualified one, and thus enabling them to pass any law they might require; yielding up all the supervisory authority by Congress over their legislation, which is expressly extended to all subjects not prohibited by the Constitution or the organic law, and the prohibitions of the latter are but few, and are principally confined to the measure of organization; allowing them to elect almost all their officers, with many other provisions favorable to liberty, he felt that a great advance had been made in the progress of free principles; and, especially, by the abandonment of the pretension, that the right of legislation rested upon the tenure of the land; for, in all the vast regions comprehended in those bills, there was not a single acre of land owned by a white man. All this was a source of gratification, and he declared it, as he had a right to do; but, in so doing, it seems he encountered bitter reproaches, bitterly expressed. Why, it is, indeed, hard to conjecture, unless it is a mortal offense to speak with pleasure of a general acquiescence in a great measure, founded in the very nature of our institutions.

The doctrine of non-intervention, or, in other words, the right of self-government, so far as it is not controlled by the Constitution, met with severe animadversion in the other wing of the capitol, and, especially, from Colonel Benton, of Missouri, who then occupied a seat in the House of Representatives, after having served thirty years in the Senate. General Cass was not willing to pass this attack unnoticed, inasmuch as he considered it harsh, and, in truth, wanton. He availed himself of the first favorable opportunity to notice it from his place in the Senate. It was on the twenty-fifth of May, following the passage of the bill. His remarks were replete with irony and sarcasm. We quote a part:

“Now, sir, I know no one who claims sovereignty for the Territories. It would be a condition utterly inconsistent, as this honorable member said, with their relation to the United States. Lest,

in our ignorance, we might not understand the meaning of this rare and *recondite* word, and not with the unworthy view of making a display of learning, we are kindly told that *inconsistent* signifies inability to stand together. Etymologically, he says, it is derived from *con* and *sisto*, and thus the sovereignty of the United States, and the sovereignty of the Territories, can not stand together. These words, *con* and *sisto*, are Latin, and the Latins were Romans. I communicate this for the benefit of the Senate. It is a very curious and important fact, which escaped the penetration of Niebuhr and of all his co-laborers in the field of historical research. But the country will see there is one whose penetration it could not escape, meaning myself. It takes a Columbus to discover a world. And the Romans were the Americans of Italy. They had a Senate as we have, and he who served thirty years in it, served six lustrums, and he who serves thirty years in our Senate, serves five terms, and this wonderful identity of institutions accounts for the strong resemblance between these two great people, and, especially, for their equal love of annexation.

“The same authority tells us that this is all hotch-potch; ‘for the Territories are the children of the States—they are minors under twenty-one years of age, and it is the business of the States, through their delegations in Congress, to take care of these minors until they are of age—until they are ripe for State government—then to give them that government, and admit them to an equality with their fathers.’ ‘That is the law and the sense of the case,’ &c. Had I been told this by any other than an infallible authority, I should have said it was the *nonsense* of the case. Even as it is, I can not help having some misgivings. A critic, with less respect than I *profess* to feel for such a guide, might say all this is idle and false analogy. It is made the foundation of despotic rule under a written Constitution, and a government of granted and limited powers. Instead of resorting to that Constitution to test the validity of acts of Congress, we are to seek the authority in some fancied resemblance in physical objects; and, because a mare lays an egg, therefore a government may hatch what power it pleases out of it. American citizens in the Territories—many of them in the highest position and estimation before their emigration—as soon as they reach these districts, lose all their intelligence and experience, and become minors, utterly unfit to exercise any of the powers of self-government. All their political interests

are committed to a legislature thousands of miles off, whose members are ignorant of their condition, and irresponsible to them. My highly respected friend from Wisconsin, [Mr. Dodge,] who has passed a life of honor and of usefulness upon the frontier, knows—no one knows better—the value of the population which presses forward to settle a new country. He knows it is no weak nor wicked class from the older regions, but vigorous, enterprising, intelligent men, (I know it, for I have seen it during a half a century,) to whose spirit and wonderful energy our country is indebted for the proudest triumph of human industry over the obstacles of nature which is recorded in the long annals of our race, since the first pioneer of settlement went forth from the garden he had forfeited. He who thinks disparagingly of the advance guard of civilization, knows nothing of the Daniel Boones and their compeers, who have left their monuments in the great work they accomplished, and in the deeds that achieved it. And such men are to be deprived of the first rights of freedom, because Territories are political minors!

“I perceive, sir, that I have been in error all my life upon this subject. I had thought that territorial governments were instituted for a very different purpose from that of teaching the inhabitants knowledge enough to manage their own concerns. Why I thought so, I will now explain.

“When this form of temporary government was first introduced, it was under the confederation, and at that time each State had one vote in Congress, and it would have been signal political inequality and injustice to admit a Territory into the Union, whatever population it possessed, however small, and thus enable it to exercise one fourteenth part of the power of the republic. To prevent this, it was provided that sixty thousand inhabitants should be necessary to admission; and that whenever one of these communities might have that number, it should make part of the confederation. And the same principle was continued under the Constitution. I thought this was a mere question of numbers, not of *ripeness, of minority, of age, or of wisdom*. Some of these children have been much more precocious than others. The non-age of Alabama was two years only, the duration of her temporary government, and then she was ripe for admission, and was admitted into the Union; while her sisters, Arkansas and Michigan, less gifted, according to this theory of political power, remained

in a state of pupilage, the former thirty-three, and the latter thirty-two years. So much for analogy in the investigation of great constitutional questions.

"It seems that Mark Antony well remembered the very day when Cæsar put on his new coat—that very coat which he wore when twenty-three holes were made in it, or in him. Well, another memory is as powerful as that of the Triumvir. That other memory knows the day when this *monstrosity* was first presented. It must be a truly patriarchal one, for the monster made his appearance in the English colonies a century ago, and was well described in our Declaration of Independence, and claimed among the most valuable possessions of man.

"A very happy illustration of our duty is furnished by a classical reference to Edmund Burke, who, we are told, was the author of a treatise called the Sublime and Beautiful, another of the discoveries which have marked the progress of this investigation. Well, it is said that Mr. Burke, in the exuberance of his imagination, and, no doubt, in a moment, as well of excited feeling as of desperate resolution, actually exclaimed in the House of Commons, 'I do not care three jumps of a louse for Lord North.' Louse, sir, is *PEDICULUS*, in Latin. Therefore, in the future *variorum* editions of this speech, for there will be many of them, this memorable ejaculation will probably read, I DO NOT CARE THREE JUMPS OF A *PEDICULUS* FOR LORD NORTH.

"So we are called upon, with patriotic indignation, not to care three jumps of the same interesting little animal for the Secretaries of the Departments—the President's clerks, as we are reminded John Randolph said they were—and, I suppose, to care for nothing else, but to go right onward in the exercise of despotic power.

"By-the-by, sir, is this quotation marked with the usual scrupulous accuracy of the speaker? Should not the word *jump* be changed to *skip*, which latter seems more appropriate to the salutation of the parasitical *squatter* on the human occiput than the heavier cognomen? I venture to predict that this question will take its place among the most interesting critical researches of after times.

"I am certain that John Randolph and Nathaniel Macon, frequently referred to by him, whose reference is honor, as bright lights in the palmy days — palmy nights, I suppose — of

republicanism, would denounce a sentiment that casts ridicule on rights dear to every man, savage or civilized.

“We are told, that, when this doctrine was first introduced into the Senate, it was received as ‘*nonsense, as the essence of nonsense, as the quintessence of nonsense, as the five times distilled essence of political nonsensicality.*’

“Well, sir, this is very probable; and those of us who support the doctrine, need not feel the slightest mortification because it was received with ridicule. The laughing state is a kind of chrysalis condition, through which most great truths and discoveries have to pass. There are very few important enunciations of this nature which have not provoked merriment, from the earliest case on record down to the latest and the greatest—the actual discovery and declaration by the member from Missouri to an admiring world, that ‘VOID IS VACANT, EMPTY, NOTHING OF IT!’ Wonderful age this for the advancement of the human intellect!

“Dr. Johnson, who was hired by the British administration, wrote an anti-Nebraska pamphlet of that day, entitled, ‘Taxation no Tyranny.’ He laughed at this principle of self-government, ridiculing the idea that the Congress of Westminster was not fitter to govern colonies across the ocean than the people themselves, just as the idea is now laughed at, that the Congress of Washington is not fitter to govern Territories across the mountains and deserts, than the ignorant inhabitants who have *squat* down there.

“But, sir, this question has passed through its laughing state. Nobody laughs at it now. Some dread it, some dislike it, some disbelieve it, but all approach it with perfect gravity, and, judging from the temper manifested by the speaker to whom I have alluded, and the vituperative epithets, not scattered through, but abounding in, his remarks, I am sure he must have been in anything but a laughing mood; and I do not believe that a single risible muscle was called into action during the whole period of this prodigious mental effort.

“But, sir, there are other fatal argumentative objections to this bill, which I have selected from the same display of genius, and which I shall proceed to submit to the solemn consideration of the Senate.

“The bill is a ‘silent, halting, creeping, limping, squinting motion, conceived in the dark, and midwived in a committee room,’ &c.

“‘It is crooked, insidious, and pusillanimous.’ ‘It is a farrago, an olla-podrida.’ ‘It is a juggle, worthy of the trick of one egg under three hats,’ &c. ‘It is buttered on both sides,’ &c. ‘Why kill the dead? Why trip up the heels of the man already flat on his back on the ground?’ ‘It is a farrago of nullities, incongruities, and inconsistencies.’ ‘It is untrue, contradictory, suicidal, and preposterous.’ ‘It is a shilly-shally, willy-won’ty, don’ty-can’ty, style of legislation.’ ‘It is not manly. It is not womanly. No shilly-shally in a woman.’

“This is a noble tribute to the noble sex. It is a beautiful sentiment, beautifully conceived, and happily expressed. It is the *essence, the quintessence, the five times distilled essence* of truth and of poetry. What a brilliant imagination has been sacrificed to the dry pursuits of six lustrums!

“‘It is made up of paraphrases, circumlocutions, ambidexterity, and ambiguity.’ ‘It is just jumping out of the frying pan into the fire.’ ‘It is a see-saw bill — it is stuffed with monstrosities—hobbled with contradictions—Badgered with a proviso.’ The honorable senator from North Carolina, who has pursued a noble and patriotic course during all this agitating controversy, may well be proud of such characteristic censure.

“‘There is a stump speech injected in the belly of the bill.’

“If this new stump speech does not eject its injected predecessor, and cause it to be rejected, then there is no emetic that will do the work in all the *materia medica*. Such a stomach must be proof against the whole power of physic and physicians. These are conclusive arguments against this bill; and if it passes in the face of them, it will be the triumph of folly and wickedness over logic and patriotism and constitutional law.

“And, worst of all, and beyond all, it is ‘*amphibological*. Yes, sir, amphibological.’

“Amphibology ‘is a monster of such frightful mien,
As to be hated needs but to be seen.’

“I may be pardoned the violation of prosody, in consideration of the gravity and practical value of the sentiment. We have also another vindication of the truth of history, and are told that General Jackson rejected a bill, and returned it with a message to the Senate, refusing to sign it for amphibology. This vindication is as erroneous as was a former one. General Jackson did

not reject the bill alluded to, relating to the public funds. But as it was the last night of his term of service, he retained it without action; and he afterwards gave his reasons for so doing in the *Globe*. He said the bill was 'complex' and 'uncertain,' 'liable to diversity of interpretation,' and that he 'had not time to give the subject deliberate consideration'—not one hard word here.

"As to amphibology, it is not to be found in the document, nor do I believe the General ever heard of the term; and I think if it had met his eye, he would have been as much puzzled as I was to discover its meaning. It sent me to the dictionary—no, to the Lexicographical Thesaurus—and there I found an old acquaintance bedizzened in such finery that my power of recognition had been completely put to fault; and, after all, I ascertained that *amphibological* means doubtful. There is no doubt of that. Learning, sir, is a great element of power and fame; and so potent is it in its operation, that a very little of it, discreetly managed, goes a great way."

CHAPTER XLIV.

General Cass' Aversion to everything British—The Second War—The Clayton-Bulwer Treaty—The Homestead Bill—The Employment of Indians—The Anglo-French Declaration—Slavery Again—Legislative Instruction—The Senator's Reply—Know-Nothingism—Age of General Cass—His Habits—Residence—Death of Mrs. Cass—General Cass' Private Affairs—His Property—His Views of the Past and Future—The Termination.

General Cass has always evinced an aversion to everything that savored of British. This trait in his disposition is not surprising, when we recall to mind that almost the first words he was taught in infancy to utter, were, "no taxation without representation." Hostility to tyranny was born in him. He would not if he could, and he could not if he would, eradicate it. As he grew to manhood and extended the field of his reading, he ever and anon met with transatlantic periodicals and publications teeming with strictures upon republicanism. In too many instances he knew that these animadversions were unjust. They strengthened his native prejudices against the government of England, its laws, and its institutions. He admired the genius of many of her statesmen, poets and scholars, for neither earth nor sky can fetter this. But as he investigated, the more convinced he became of the colossal ambition of the Crown. The farthest islet in the most distant seas escaped not the argus-eyed cabinet of London. Its secret agents, its confidential ambassadors, traversed the globe.

In the second war of the United States with Great Britain, General Cass felt the hand of British supremacy among the wilds of his own country. He experienced it in a tenfold greater degree at the court of St. Cloud. He saw it paralyzing American diplomacy in the treaty of Washington. He could not mistake it. Along the eastern coast of South America, British domination was quietly but surely penetrating the Western Continent. President Monroe put his foot down against foreign intermeddling. Several of his successors had renewed the protestation. Isolated members of Congress, and the people, had echoed and re-echoed

this sentiment. And yet Congress had never given its authoritative assertion in the shape of a resolution or by bill—the only way to make its way effectual.

In July, 1850, the British government, through its minister, Mr. Bulwer, and the United States, by its Secretary of State, Mr. Clayton, made a treaty, known as the Clayton-Bulwer Treaty, by which the high contracting parties precluded themselves mutually from occupying, or fortifying, or colonizing, or assuming, or exercising jurisdiction over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. General Cass, in common with other statesmen, was astonished that the American Secretary should have suffered himself to be thus over-reached by the arts of British diplomacy. True, England had stipulated on paper that she would not take possession of Central America, but not until the United States had also solemnly plighted the faith of the government to an observance of the same on their part. In other words, if the republic of the United States would circumscribe the boundaries of republicanism, in all this western world, and give the British lion a *carte blanche* to pounce upon the proud bird of Jove, as it winged its way towards the southern skies, then, in such case, the British government would most graciously condescend to withdraw its protectorate over the continent.

But this was not the worst feature of the matter. Three years had not elapsed after the conclusion of the Clayton-Bulwer treaty, before the wily cabinet of London, in fact, infringed upon the spirit if not the letter of its provisions. The establishment of a new British colony in Central America, known as the "Colony of the Bay Islands," was publicly proclaimed. This intelligence was startling to senators who had voted for the ratification of the treaty upon the assumption that it was a point gained, if this shred of diplomacy only weakened the foothold of British power among the half-civilized countries to the south of Mexico. Hence, the Senate at once adopted a resolution calling upon the executive for information upon this subject, and, at the same time, asking what measures had been taken to prevent the violation of the treaty of July 5th, 1850. The Department of State replied that the executive had no information to communicate in relation to the subject of the resolution, but accompanying this reply were various documents, which had not been before made public, being the correspondence between the distinguished negotiators of that

treaty, disclosing a state of facts unlooked for by the Senate. From this correspondence, it appeared that when the treaty was ratified by the Senate, that ratification was given to the instrument itself, without any limitation or explanation to control the descriptive terms employed in it. But when it was sent to England for the sanction of the British government, *that* sanction was made conditional—restrictive—by a declaration, not denying that British Honduras made part of Central America, but announcing that the British government did not understand the engagements of that convention to apply to that settlement and its dependencies. Indeed, the instrument of exchange distinctly stated that “Her Majesty’s ratification of the said convention is exchanged, under the explicit declaration above mentioned.” Yet the treaty was proclaimed by the American government as binding, without any declaration annexed to it, making known the restrictive construction given to it by one of the parties, and acceded to, in whole or in part, by the executive officer of the other.

This subject was before the Senate, for consideration, on the eleventh of January, 1854. General Cass took part in the discussion. The vote of the Democratic party in the Senate upon the ratification of this treaty, was divided—some opposing, and some supporting it. During the deliberations upon the treaty, a number of the Democratic members confidently predicted that the arrangement would prove abortive, and that our government would fail in the effort to remove British power and influence from Central America. Says General Cass :

“My friend from Indiana, who sits beside me, [Mr. Bright,] was among the most decided in his hostility to the treaty; and, as I said upon a former occasion, whether his prediction was the result of instinct or of judgment, I know not, but certainly time has put the seal of truth upon his sinister forebodings; and he may now say to us, in the words of that comfortable old saw, *I told you so*.

“I zealously advocated the treaty. I had more than one conversation with the senator from Delaware respecting it, during the progress of the negotiation. He did me the honor to consult me, as well as other senators, of both parties; and I earnestly recommended him to go on and consummate the work, expressing my doubts, however, of the accomplishment of his expectations, but assuring him that if he succeeded, he would render a signal

service to his country. And why did I estimate so highly the projected arrangement? Because it contemplated the removal of British power and influence from Central America—true Central America, as I thought—and I considered that measure, both in its present and future aspects, a great political object, most desirable to be peacefully obtained. Those of us who profess allegiance to the Monroe doctrine, and who advocated the ratification of this treaty, were accused of inconsistency there; and the accusation has been repeated since with a good deal of earnestness, and not a little sarcasm; and also of sacrificing a great political principle to a mere temporary expedient.

“Mr. President, so far as this question of ratification is involved, with the lights before us, I had no doubts then, and I have no regrets now, respecting the course which the Senate sanctioned. It is not a little curious, that some of those who urged this objection with the most pertinacity, although they also profess adhesion to this cardinal principle of American policy, yet never find a resolution for its authoritative assertion by Congress the only effectual means of its establishment, in such a shape, as to secure its co-operation. Nor do they lend their aid to put it in a form to suit their own views, and thus to command their votes. They confine their action to severe criticism and to decided opposition. Now, sir, I have no desire to sacrifice a great national advantage to a mere barren dogma, rendered such by our dissensions. Embody this principle of European non-intervention in American affairs, in a solemn congressional act, and I, for one, will adhere to and support it, come what may. But while we dispute and hesitate, events move on; and, for the want of proper decision, we are obliged to accommodate ourselves, the best way we can, to their course and consequences. I desire the exclusion of European power and influence from all portions of the western continent not actually held as colonies by some European government; and I believe the true principles of public law, applied to the position of the American States, fully justify this pretension. As to existing colonies, they will follow peaceably, and in good time. Well, sir, the friends of this great measure have in vain, for many years, sought its accomplishment. It will come, it is destined to come, as surely as any event in the future. The country, even now, is prepared for it, desires it, demands it; but the hesitation is here, in these halls of legislation, where there ought to be prompt

and decisive action. Notwithstanding the prognostication of the senator from Delaware, the wish, I fear, was father to the thought, that *its history is closed*. It is but just begun, sir; and in our glorious future, this emancipation of the western hemisphere from the thralldom and intrigues of the eastern, is yet to constitute one of our proudest claims to the respect of mankind.

“For myself, sir, if I can not get the Monroe doctrine, I will get the next best thing I can. I will seek to procure, by conventional arrangements, the exclusion of European influence from this hemisphere, step by step, if necessary; and in seeking to effect this object, there are peculiar reasons which render it highly desirable to free all Central America from impending transatlantic intrigues. The position of that region with relation to the contemplated inter-oceanic communication which is to unite our eastern and western possessions, and the divided condition of its States, rivals, and easily swayed or controlled by foreign influence, gave great importance to the effort to place them beyond any external action adverse to our interest; and as it was certain that we could not attain this object by any other course we might adopt, I felt myself fully justified in endeavoring to attain it by a conventional arrangement with the power whose interference might be most injurious to our interest. If the failure has been an utter one, as recent disclosures announce, the fault is not with those who voted for the ratification of the treaty upon the faith of its expressed engagements. That these were the views I entertained and expressed at the time respecting the exclusion of British influence, I have already stated, and that statement has been confirmed by a number of the senators, some of whom are yet among us.”

From this extract, the reader will perceive that General Cass did not regret that he voted for the ratification of the treaty; but he did regret that he had misapprehended the intention of the British government. His great desire was to get some sort of congressional recognition of the American doctrine promulgated by President Monroe, and affirmed by his Democratic successors. But the supplemental negotiation after the official action of the Senate, he condemned as unauthorized, unprecedented, and disgraceful in its results to our national honor.

Since the negotiation of the treaty, the legislature of Delaware had returned Mr. Clayton to the Senate. And, in the unavoidable absence of General Cass at the executive session in March,

1853, at which time Mr. Clayton took his seat, that distinguished gentleman had taken occasion to comment upon some remarks made by General Cass upon this subject during the previous winter. To set himself right before the world, General Cass considered it his duty, in his speech of the eleventh of January, 1854, to notice these comments of the American negotiator, and now one of his compeers in the Senate ; and in continuation, he proceeded to say :

“So far as respects my personal views, the declaration of the senator from Wisconsin [Mr. Walker] is so true and explicit, that I must trouble the Senate to hear it. ‘If the senator will allow me,’ said the honorable member, addressing me while I was speaking, ‘I think I can give nearly the words he made use of. He spoke in very complimentary terms of the then Secretary of State for the position he had taken, and he remarked that it was the first time in the history of Great Britain that she had given up territory without a struggle. I recollect that distinctly, and I presume others do.’

“Now, sir, I suppose no man within these walls, or without them, will call in question my right to investigate this whole matter, and to place myself upon true grounds before the country ; and if the senator from Delaware has any just cause of complaint, it must be because I failed, by uncourteous or uncalled-for remarks, or in some other manner, to do properly what I was thus called upon to do. Is this so? And allow me, in the first place, to say, that the honorable senator, in his remarks at the special session, did but justice to the personal relations subsisting between himself and me, and I assent cheerfully to all he said upon that subject. The friendly intercourse between us had been uninterrupted ; and there were circumstances to which he rightly alluded which had tended to strengthen this mutual feeling. I had—I could have—neither motive nor design unjustly to assail him ; and I say here to him, and to the Senate, that I have carefully reviewed all that fell from me upon that occasion, and I do not find one uncourteous epithet, nor a personally harsh expression. Whatever he may consider unpleasant is necessarily in the subject itself, and not in the language employed ; and I submit that a fair examination of his course in this matter could give him no just cause of offense, especially as I was not a volunteer in the work, but was driven to it by self-respect, and in self-defense ; and I shall proceed to my

present task in the same spirit, and with kindly feelings to the senator from Delaware, but still with a determination to examine the whole subject fairly but fully, and to show the erroneous impressions under which I was assailed.

"Now, sir, what is the complaint of the senator? In what am I his accuser, as he terms me? His first charge is, that I stated that he 'recognized the British title in Honduras, commonly called the Balize;' and that I charged him 'with having admitted by his letter that Central America was not Central America at all, and that the treaty did not apply to any territory where Great Britain had any sort of claim.'

"Mr. President, the honorable senator has committed great errors in this statement. How and why, he alone can explain. He can find in no remarks actually made by me upon that occasion, a single word, not one, which charged him with having recognized the British title to Honduras, or with having admitted that the treaty did not apply to any territory where Great Britain had any sort of claim. The senator says, that *all the reports of my remarks which appeared on that and the succeeding day, will show that these charges were made by me.* This is rather a loose reference upon which to found such an accusation. But let that pass. I do not know what version of my remarks he may have met with; but this I do know, that in the *Congressional Globe*, in the *Union*, and in the *National Intelligencer*, where they are correctly reported, not a syllable is to be found in support of this statement; and no person, in or out of the Senate, should make such an assertion without turning to one, at least, of the journals containing authorized reports of our proceedings. I do not know what other papers or letter writers may have made me say. I am not responsible for their errors, nor had the senator from Delaware a right, upon any partial authority, to say 'that all the reports of my remarks' concurred upon this subject. Why, sir, independent of the moral offense which such a misrepresentation would have carried with it, an assertion like that, wholly unsupported by the facts, and contradicted by the documents before us, would have been an act of folly which, I trust, I am little likely to commit.

"As to the statement that I charged him with 'having admitted by his letter that Central America was not Central America at all,' I have, in the first place, to observe, that he has not referred accurately to my remarks. What I stated was, Mr. Clayton says,

‘that the negotiators on the part of the governments understood the matter alike; that is, that neither of them understood Central America to be Central America at all, but that both of them understood that upon the face of the treaty, though Central America was included, yet the British claims were thereon excluded.’ In the next place, it is obvious that the only assertion I make in the above extract is, that the negotiators understood the matter alike; and that no man will deny, for Mr. Clayton has said it himself. The rest is a matter of inference, and I do not despair of convincing the senator from Delaware, and, certainly, I trust to show to the Senate, that the expression is quite within the sphere of proper argumentation. My process of justification will be very brief. The provisions of the treaty extended to all parts of Central America, and by that designation I understand the geographical region of country to which it is applied, including all Honduras, as well where the British have obtained possession as where they have not. I am not going into the truth or error of this opinion at this time. The subject has been sufficiently discussed in this body, and to renew the debate would be a profitless consumption of time. I have heard nothing which has shaken my original convictions; and the more the matter has been examined, the more persuaded have I been that to exclude British Honduras, as England holds it, from Central America, is a mere arbitrary act of excision—reducing, without justification, the limits of that well-known portion of our continent. I shall content myself with references to an authority or two, and then leave the question to others.

“Well, sir, thus looking at the stipulations of the treaty, and finding that, by an act of the British government, acceded to by ours, the British settlement of Honduras, with its dependencies, was excepted from its operation, I said, and had a right to say, with my views, that this course of the Secretary of State admitted that Central America was not Central America at all. This was not the assertion of a fact that he had formally made this admission, but a deduction from the premises—logical or illogical, it matters not for my present purpose—that his acquiescence in the demands of the British minister had so changed the country covered by the treaty that Central America was no longer Central America. And this is so obvious from the tenor of my remarks, which referred to all the necessary facts, that any misconception must have been a very careless one. I repeat, sir,

that the charge was the conclusion I drew from the official acts and declarations of the honorable member.

"And now, sir, to the references which I have just promised. They will be to the British government and to the senator from Delaware, in his capacity of Secretary of State, and I suppose that these authorities will, at any rate, carry weight with them in a controversy involving the interests of the one, and, where its opinion was adverse to its interests, the official proceedings of the other.

"This treaty, after having been ratified by the Senate upon its *language*, and not upon the *understanding* of the negotiators, was sent to England for the sanction of the government; and there, circumstances show, that apprehension was excited lest the Honduras settlement should be embraced within the limits of the region over which it extended. To prevent this, it was returned with a *quasi* ratification, or rather a declaration, that the settlement at Honduras, and its dependencies, were not subject to the 'engagements' of the treaty; and this declaration was received and reciprocated by the Secretary of State by a similar act, which the senator from Delaware calls a 'counter declaration;' but why, I confess my inability to discover, for it does not counteract the demand of the British minister, but assents to it by conceding that the 'engagements' of the treaty do not apply to British Honduras and its dependencies. The terms of this concession I shall refer to directly, so that the senator from Delaware may have the benefit of his own words to establish his own views. I will merely say here that I have little belief in the practical effect of his limitations.

"Now, sir, what was the duty of the executive, when a treaty was thus returned with a declaration intended to control its operation by considerations exterior to the stipulations? Why, to send it again to the Senate, a constituent branch of the treaty-making power, for its consideration and action, and not undertake to restrict its application by the *understanding* of the negotiators, at the expense of the language of the convention, though one of these happened to be the Secretary of State,—for this union of functions was but an accident, and what was done upon that occasion may be done upon any other, and the *understanding* of these agents of negotiation may become more important than the text of the instrument itself. And what reason was given by

the Secretary of State for this omission of a plain duty? He tells Sir Henry Bulwer that the difficulty arises 'from the use in our convention of the term 'Central America.' To be sure it does; and I am only surprised that the practiced and powerful intellect of the senator from Delaware did not perceive that by this acknowledgment he actually gives up the point in controversy, indubitably and indisputably. We did not intend to include your possessions, for this is the purport of the concession, but we used the term Central America, which embraces them, and now we must remove the difficulty by substituting for the plain language of the convention the 'understanding' of the negotiators, thus excepting from its stipulations regions over which they extend. If this is not the true point of the 'difficulty,' and the 'understanding,' then there is none; for, if Honduras and its dependencies are not in Central America, there is no *difficulty*, and no ground for a demand on one side, nor a concession on the other.

"I can not find, after a careful examination, that this question of the true position of Honduras, with relation to Central America, is at all met by the Secretary of State. The British Minister claims its exclusion from the operation of the treaty because his government 'does not understand the engagements of that convention to apply to her Majesty's settlement at Honduras or to its dependencies.' And this declaration is met by the avowal on the part of the Secretary of State, 'that it was neither understood by them (the British government) nor by either of us, (the negotiators,) to include the British settlement in Honduras (commonly called British Honduras, as distinct from the State of Honduras,) nor the small islands in the neighborhood of that settlement, which may be known as its dependencies. To this settlement and these islands, the treaty we negotiated was not intended by either of us to apply.' And there terminates, of course, all difference, so far as the negotiators were concerned.

"England obtains what she wants by the acceptance of her conditional ratification, and by the acknowledgment with which it was received by our executive; for though there is no want of cautious restrictive epithets—special pleadings, perhaps—in this assent, yet it will be found that they will produce no effect upon the claim of England. One clear limitation, defining what we gave up, would have been true policy and true sincerity. We

gave up British Honduras, in express terms, and certainly that contains by far the most important portions of the possessions of England, extending, as she claims, to the Sackatoo river, if not to the Golfo-Dolce. The only limit is to the 'dependencies,' meaning, I suppose, the islands, and restricting the claim to the small islands in the neighborhood of the settlement, and which may be known as dependencies. What are small islands, and what is the neighborhood of a settlement, claimed to extend more than two hundred miles, and what may be known as dependencies, present as fruitful subjects for controversy as the diplomatist, who most rejoices in his trade, could desire. Honduras is excluded from the treaty, so far as appears by the papers, solely on the ground that the negotiators did not intend to include it; not at all on the ground that it was not covered by the convention. And, after thus assenting to the demands of the British minister, the Secretary of State proceeds to explain why the term Central America was used in the treaty, and the reason turns out to be, that it was 'adopted because Viscount Palmerston had assented to it, and used it as the proper term.' I am sorry that no better reason could be assigned for the use of this descriptive epithet than a wish to accommodate the British Minister for Foreign Affairs. I presume every senator who voted for the treaty supposed that the term 'Central America' was employed to designate a given region of country, with well-known limits, and that it was not a mere vague expression, used in compliment to a foreign suggestion. The Secretary adds, that 'we naturally supposed, on this account, it would be satisfactory to your government.' The reason for this remark is not at all obvious. The British minister had made no complaint of the terms used in the treaty. Nothing like it. The words Central America are not to be found in his note. He merely claims the exemption he demands on the ground of the mutual understanding, and on that ground he obtains it.

"But what follows is still less susceptible of satisfactory explanation. 'But if your government now intend,' says the Secretary of State, 'to delay the exchange of ratifications until we shall have fixed the precise limits of Central America, we must defer further action until we have further information on both sides, to which, at present, we have no means of resort, and which it is certain we could not obtain before the term fixed for exchanging the ratifications would expire.' All this, sir, is very unaccountable.

The British government asked no delay of the exchange of ratifications. They had then actually ratified the treaty, and the authenticated instrument was in possession of the Secretary of State. And what is still more extraordinary, he announces in this very letter that he accepts the declaration which accompanied the act of ratification, and makes it absolute by his own concession of the fact stated, and proceeds to sign the letter, and to deliver it to Sir Henry Bulwer, and, 'without further or other action, to exchange the ratifications of the treaty.' Why talk of the postponement of ratifications in order to fix the limits of Central America, at the very moment when he was exchanging ratifications with the other party? And why talk of fixing these limits after he had admitted what the British claimed—the exclusion of their colony from the provisions of the treaty? It was shutting the stable-door after the horse had escaped. They had gained their object, and to them a specific boundary was comparatively unimportant. And why not fix these limits during the progress of the negotiations? That might have been done, and ought to have been done, if there were any real doubt as to the true extent of the region covered by the treaty, instead of leaving it to the understanding of the negotiators.

"In this letter to Sir Henry Bulwer, he is told, by the Secretary of State, that no alteration could be made in the treaty without the sanction of the Senate; but he does not understand that any authority has been given to the Minister by his government to propose any alteration. Why this remark, Mr. President? The Secretary very well knew what the British government wanted. He yields to their demands in this very letter. He knew they wanted the exclusion of Honduras from the 'engagements' of the treaty, and they ratified it upon the express condition that such was to be the effect of their action. The process by which our compliance with this demand was to be given, was a question for us, and not for them—a question of internal administration with which they had nothing to do, and about which they probably cared as little. Why the Secretary started a constitutional point respecting the divided functions of our government in a correspondence with a foreign minister, at the moment he assents to his application, is what I am unable to conjecture. I presume Sir Henry Bulwer, after completing the exchange of ratifications,

was perfectly willing to permit us to settle the question in our own way.

“But, sir, there was an alteration, and a serious one, made in this treaty, by the rider annexed to it, quite as effectual for the purposes of England as if it had been inserted in its stipulations. That instrument embraced Central America, and the ratification of the Senate covered that region. If a question arose respecting its extent, what right had the Secretary of State to settle it by his own act, and to except from the engagements of the treaty an extensive and important section of the country? By the acceptance of the conditional ratification, and by acquiescence in it, the Executive added this restrictive clause to the treaty as effectually, so far as the claims of England are concerned, as if it had made part of its provisions, in this formal manner: *provided, that the engagements of this convention shall not apply to the British settlement at Honduras, nor to its dependencies.* There is no denying or explaining away this inevitable consequence of Executive interference.”

General Cass extended his remarks upon the pretension of England, and justly took strong ground in opposition to it. He believed it to be improper for the government of the United States to do any act recognizing any purchase of any part of Central America by individuals or companies, without the consent of the States interested in this matter. How far England might be disposed to favor individual schemes of aggrandizement, it was not for him to say: but it was better for us to preserve our honor and consistency, than to co-operate in any enterprise, at the expense of national and established rights.

At this same session of Congress, the Homestead bill was considered. This measure was designed for the benefit of the hardy and enterprising pioneer, securing advantages to him and his family of the utmost importance. The bill was violently opposed by Mr. Benjamin, a senator from Louisiana, and others. General Cass would have been false to the experience of the past, and belied the constant professions of his life, if he had not approved it. He was for the measure on the score of principle, of right, and of expediency. He met and refuted the objections arrayed against its passage, and gave forcible reasons for its favorable consideration by Congress. Of these, we give the summary,

expressed by himself to the Senate, in too lucid language to be mistaken or misunderstood :

“ Now, sir, what are the reasons in favor of this measure, promising advantages to result from its adoption ?

“ In the first place, a vast domain, a world, destined by nature for the support of man, will be brought within the power of man to support himself. It has been calculated—I have not examined the data—that if the present system continues, the whole region which we call ours will not be settled for centuries to come, for a term, indeed, equal to the lives of the ancient patriarchs. During that period much of this vast domain is to remain uncultivated and unimproved ; a home only for the Indian and for the animals, his co-tenants of the forest, whom God has given to him for his support. The injunction of the scripture, ‘ to replenish the earth and subdue it,’ is delayed, denied, in fact, by a christian people. And let me ask why ? Why are these extensive districts to be shut out from the use of man ? The reason, sir, is not a very dignified one, but nevertheless it is too true to be contradicted. This interdiction is enforced in order that you may make seven hundred per cent. out of your investment. That is the truth in plain English. The land cost you sixteen and a half cents per acre, and you will hold on to it with a tenacious grasp till it will yield you \$1 25 per acre. This is not a motive worthy of such a country as this, nor of the example which we ought to offer to the other independent states of the world. What do the elementary writers tell us on the subject of uncultivated, unappropriated regions ? They maintain that a civilized people may take possession of such countries, notwithstanding they are held by barbarous tribes. And this doctrine is defended for the reason that the earth was given for cultivation, and for the support of man, and that tribes occupying any portion of it, and not applying it to its legitimate purpose, may be rightfully confined within narrow limits, and the residue of the country taken, and themselves brought under the jurisdiction of the stranger. This principle has been adopted and practically enforced, with the consent of all civilized nations, ever since the discovery of the continent. Were this fund necessary, that consideration would justify a longer adherence to this system of occlusion than could otherwise be defended. But we are rich, rich beyond the dreams of avarice, and I think

it is time we should shut our eyes upon the seven hundred per cent., and look to our duty as a christian people.

“But, in the second place, there is another benefit which will result from this project, and which has already been ably and eloquently touched by the senator from Illinois, [Mr. Shields.] I shall add but a few words to his remarks. There are portions of our country where men are crowded together, as they are unfortunately crowded in many parts of Europe. The effect of this condensation already begins to be visible; but its evils and its dangers will go on increasing, till they find a remedy, or make one. There is many a man with strong physical and intellectual powers, who looks to his own position, and realizing the dark prospects around him, considers society as an enemy by whom he is ill used, and against whom he fights, and is ever ready to fight. It is a great deal better to open a way for such a man into the woods, and thus turn his warfare from society against the trees. You will elevate him in the scale of humanity. You will furnish him with hopes to stimulate him, and with motives for exertion. From an enemy to your institutions he will become a fast friend. A new future will be spread before him. He will have free scope for the exercise of all his energies, without the power or the motive to do injury.

“But, again, sir, as a third reason in favor of this measure; by this augmentation upon your frontier, you will have a hardy, vigorous population, able and ready to defend the country in times of difficulty—a voluntary army worth all the conscriptions of Europe. They will be attached to the government and the country by all the motives that can animate freemen.

“And, in the fourth place, this act, if carried into effect, will increase the wealth and resources of the country almost indefinitely. These new settlers will soon become producers. They will be also consumers, with increased means, and thus production and consumption will reciprocally act upon each other. The effect of this augmentation will be felt through the country; and if you look upon the measure merely as a statistical question, touching dollars and cents, you will find strong motives for promoting this kind of emigration.

“In the fifth place, all experience shows that the class of smaller landholders are among the safest and most natural defenders of the country, and especially are they so where institutions are as

free and equal as ours. Men living upon their own farms are not subject to those agitations, which, from time to time, distract and divide our densely settled communities. No prudent man can look upon these forever-recurring movements without being satisfied that our agricultural population is one of our great elements of safety, and that the more it is increased, the more secure will our institutions become.

But, in the sixth place, I desire this measure for its effect upon the world, and especially upon republican institutions throughout the world. I think it will furnish the noblest example ever held out by any other country under Heaven. The great business of governments, as we all know, has heretofore been to tax the people; to wring from them as much of their earnings as possible; to take from the mouth of labor, as Mr. Jefferson well expressed it, the bread it has earned. Here is an immense domain belonging to the United States, and which cost almost nothing, and the true value of which has been created by the labors and exertions of individual citizens. Now it is proposed to permit its occupation by allowing every man to select a tract for his residence. And I repeat, sir, that by so doing, we shall present a beautiful and encouraging spectacle to every lover of freedom through the world."

In January, 1855, the Army Appropriation bill being under consideration in the Senate, a motion was made by Mr. Shields, a senator from Illinois and chairman of the Military Committee of the Senate, to insert a provision for raising an additional military force to include five hundred Indians.

To this last named proposition, General Cass was uncompromisingly opposed. He objected to it, because it was opposed to the moral sentiment of the nation, and in conflict with the whole policy of the government. He deemed it unnecessary, because he thought that a nation of twenty-five millions of people had power enough in its own citizens to protect itself, without calling upon Indians to fight its battles.

It was urged in behalf of the proposition, that the Indians were the most skillful guides and successful hunters. To this General Cass replied, that he had seen and acted with good Indian guides and hunters, but, after all, there was a class of active and enterprising men upon our frontiers—the pioneers of civilization—who were far better fitted than any Indians to accompany our troops

as scouts, spies, guides, and hunters. They possessed more intelligence than the Indians, they were more subject to control, physically more powerful, and as well acquainted with prairie and forest life.

It was argued that the increased force was demanded by the administration, and Democratic senators were called upon to give it their support. To this, General Cass observed in effect, that he chose to examine for himself all the measures of an administration, be it friend or foe, and to support such as he approved, and no other. He did not subscribe to the doctrine that fealty to party outweighed fealty to the Constitution. He believed that he was a pretty good party man, but he would bind himself in no such iron shackles. When the great points of doctrine and policy, which have separated the parties of the country since the organization of the government, were brought into question, a faithful partizan would come to the rescue. It was no part of the doctrine of the Democratic creed, that Congress was merely to register the edicts of the President. Besides, he wanted no unnecessary increase of our military force—not because he feared it, but because he did not desire to see extended any of the institutions of the country unnecessarily. There was a constant pressure of circumstances to do so, which requires the jealous effort of Congress to counteract—embracing not only the military organization, but reaching all the divisions of power. He was willing that an additional force should be raised, to be disbanded at the expiration of five years, but, in no case, to employ the Indians. And the proposition to include Indians did not receive the sanction of the Senate.

Alarmed at the authoritative declaration of the British and French governments, that they had come to an understanding upon all questions of policy throughout the globe, General Cass, on the 20th of February, 1855, brought the subject before the Senate. He took this step, because he thought that the attention of the government and country should be directed to this authoritative avowal of a course of policy, which, if carried out, he believed deeply affected our interests and our honor. And as a senator, although under the Constitution representing in part a single State in the councils of the nation, he has always deemed it an imperative duty to keep in his memory the rights and interests of all the States. Such he considers the duty of every senator and

of every member of the House of Representatives. And well will it be, and the greater will be the chances of preserving the Federal Union, if his example is followed.

Distrustful of the designs of Napoleon the Third, in the complications of the Cuban question, he urged the necessity and propriety of maintaining a greater protective force upon the highways of nations. Our navy should be increased, and fleets stationed in proper cruising grounds in every sea.

"Certainly," said he, "it is an extraordinary fact that, in the whole Antilles, so near us, and where our vessels are daily passing with their rich freights and their numerous passengers, we have not even so much as an anchorage for our vessels. Sixteen of those islands belong to Great Britain, three to France, two to Holland, two to Spain, three to Denmark, and one to Sweden, while one is independent and divided into two governments. I suppose if we should attempt to procure even a coal depot among these islands, forming the door through which the commerce of the vast country drained by the Mississippi and its tributaries, as also that of West Florida, Alabama, and Texas passes, we should receive an imperial and royal rescript, saying, *Touch not, taste not, handle not*; raise not your flag in these regions under pain of our displeasure. Besides, our communication with our possessions on the Pacific can only be preserved by the free use of these seas. If the hour has not already arrived, it is certainly hastening, when imperative duty will compel us to say, in more distinct terms than we have yet employed, to the would-be regulators of the 'balance of power' in this hemisphere, that we understand our interest in the Gulf of Mexico and in the Caribbean sea, and that, with God's blessing, we shall maintain it in all time to come.

"As to Cuba, the avowed policy of intervention has lost none of its offensive character by this union. On the contrary, it has added physical strength to the opposition against us; it has added also a more resolute purpose, and more confidence to avow it. During the presidency of Louis Napoleon, on the 5th of December, 1851, the French Chief Magistrate informed the Duke of Valencia that he had dispatched three ships-of-war for the protection of the island of Cuba, and that the English government had done the same, 'for the purpose of preventing a repetition of attempts which might bring up serious complications between America and the states of Europe.' And we learn from the current reports of the

day, that a similar measure has been adopted, and that French and English armed ships have recently been ordered on the same service. I suppose, sir, the sound, public opinion of this country supports, with almost entire unanimity, the views of Mr. Fillmore, as made known by Mr. Everett in his able letter to the French minister, dated December 1st, 1852, that 'he (the President) would consider the acquisition of Cuba by force, except in a just war with Spain, (should such an event, so greatly to be deprecated, take place,) as a disgrace to the civilization of the age.' Such a case of rapacity will, I trust, never stain our annals. But the history of France and England teaches no lesson of national forbearance, and gives no peculiar right to their governments to preach homilies upon the duty of rigidly preserving their existing territorial limits to the other independent communities of the world. If we were to regulate our conduct by their examples rather than by their precepts, and interpose ourselves between them and the accomplishment of their projects of aggrandizement, forming combinations with other powers for this purpose, we should have occasion for action from the rising to the setting of the sun, in mighty continents as well as in the smallest isles that strew the ocean."

But in this same month of February, it was within the line of his destiny that he should again be called upon to speak on the subject of slavery,—not upon the merits of the question, nor upon any bill, nor with reference to any new movement. And what, reader, do you think it was? Why, in the extraordinary fluctuations of luck, a majority of the members who happened to be elected to the legislature of the Peninsular State, for a wonder, wished him to procure the passage of a law through Congress prohibiting the introduction or existence of slavery in the Territories of the United States, and especially in those highly desirable Territories of Kansas and Nebraska. Nor was this all they wished him to do. They instructed him to vote for the repeal of the fugitive slave law, as they thought it contained provisions of doubtful constitutionality, and which were repugnant to the moral sense of the people of the free States. It was not mentioned that Michigan was *one* of those free States; but that Michigan is a *free* State, might have been stated with truth, coupled with the additional remark, that in defense of the same he had often periled his life, long before many of them were born.

These very modest requests, neither General Cass nor his respected colleague, Mr. Stuart, could conscientiously comply with. It was not expressly stated, to be sure, that they must resign their high trusts if they failed to put forth their exertions in these particulars, but such was the accepted meaning of the resolutions, and this the Michigan senators could not conscientiously do, for they had other interests to look after, of the highest importance to the people who had sent them to Washington. As General Cass had now for over half a century, in varied public positions, never failed to discharge his official duties, under all emergencies and upon all occasions, he thought it was inadmissible for him, at this late day in his public career, to turn his back upon a constituency that had evinced for him such unwavering and ardent attachment. He considered it his duty to stand by them and their rights to the last. He did so. And that there might be no mistake as to the course he intended to pursue, he thus addressed them, from his place in the Senate, after referring to the fact that he had been once instructed to vote for the Wilmot proviso, and the instruction repealed before his vote was called, and that he on that occasion recognized the right of instruction and the duty of the representative to obey, with certain limitations :

“ And thus has the subject rested undisturbed till within a few days, the delegation of Michigan in Congress having been left to follow the dictates of their conscience and judgment in relation to this whole matter. Quite recently, however, a change has taken place. The Democratic party in the State has lost its ascendancy, and a new party, with different views, and I may add, in many respects, with discordant ones, having obtained possession of the legislative power, the resolutions which have just been read are the result of its action, and call upon me, as well as upon the other members of the delegation, to vote for depriving American citizens in the Territories of the power to regulate one of the most important of their domestic concerns—that of the relation between master and servant, and for the repeal of the existing fugitive slave act, passed to give effect to a solemn guarantee of the Constitution. As I peremptorily decline to do either, and intend to retain my place, it is necessary, in my own vindication before the people of the State, whom I desire respectfully to address from the seat which I here occupy by their favor and kindness, that I should now do what I was not required to do on the former occa-

sion, to 'ascertain the limitations' upon the right of instruction, or, to speak, perhaps, with more precision, 'the extent' of the duty of obedience, so far as concerns my present position. And I have to say, sir, that the circumstances in which the power to pass these resolutions originated constitute one of the very cases which occurred to me at the time those words of caution were spoken, as restricting the obedience of the representative. The practical question, briefly stated, is this: Has a political party, whenever it accedes to power, by whatever combinations, the right to pass resolutions which its opponents in legislative trusts are bound to obey, or, if prevented from obeying by their conscience and consistency, to resign their position?

"The consequences of such a rule of action are too obvious to need detailed examination, and too serious to be incurred without pressing necessity. Into this body it would introduce changes, radically affecting its organization, and incompatible with the objects of its institution as the representative branch of the sovereignty of the States. It would lose every characteristic of permanence, its members going out, year by year, as political fluctuations might transfer power from one party to another; for, at all times, would it be easy to select questions for this process of removal which no honest man, of an opposite party, could support. Some of these are constitutional, and others, scarcely inferior to them in importance, involving points of policy forming the very landmarks of the debatable ground where our struggles have always heretofore taken place. That this power would be used, abused, indeed, for this purpose, no man will deny. The excitements of the past warn us as to what the future would bring with it; and that the disadvantage would be the share of the Democracy is certain, for it is well understood that, in the creed of our opponents, instructions carry with them neither the duty to obey nor the obligation to resign. The two Whig senators who have occupied seats in this body from Michigan, one of them my immediate predecessor, and the other my colleague during a portion of my first term of service—honorable and distinguished citizens—both disavowed the obligation of instructions, and both refused, at least in one instance, to obey the expressed will of the legislature, conveyed to them by its resolutions; and I believe their views were in conformity with the opinions of their party in the State.

"I am not called upon to discuss the general doctrine. All I

seek is to explain why I acknowledged the obligations of the former instructions and deny those of the present; and when I deny the power of the existing majority of the legislature of Michigan, composed, as it is, of political opponents whose efficient bond of union is antagonism to the Democracy, to instruct me out of office, I feel that my object is accomplished. I presume there was not a member of the general assembly, whose will is embodied in that document, who did not know that no human consideration would induce me to support the measures which find such favor in their eyes. So far as respects myself, it was the vacation of the office that was hoped for."

As a rider—this word conveys the meaning—the General took the trouble to advise the people of his views on the invisible topic of Know Nothingism, which we append to the above :

"Mr. President, strange doctrines are abroad, and strange organizations are employed to promulgate and enforce them. Our political history contains no such chapter, in the progress of our country, as that which is now opening. The grave questions of constitutionality and policy, which have been so long the battle-cry of parties, are contemptuously rejected, and intolerance, religious and political, finds zealous, and, it may be, they will prove successful, advocates in this middle of the nineteenth century, boasting, with much self-complacency, of its intelligence, and in this free country, founded upon emigration, and grown prosperous and powerful by toleration. It is a system of proscription which would exclude the first general who fell at the head of an organized American army—and nobly and gallantly did he fall, while fighting for our infant liberties, under the walls of Quebec—from all political confidence, because he happened to be born on the wrong side of the Atlantic; and would exclude, also, the last surviving signer of the Declaration of Independence from any similar token of regard, because he was a Catholic, were these eminent leaders in our revolutionary cause now living to witness this appeal to local and sectarian prejudices. But Montgomery and Carroll went to their graves with the weight of no such ingratitude upon their hearts. Two great parties, equally attached to the principle of our government, but differing upon many questions of administration, and alternately borne to power and driven from it, and, whether in place or out of it, watching each other with jealous scrutiny, present a wise and fortunate arrangement for the preservation of

freedom, and for guarding against the abuse of authority. Such has been our condition, and well and wisely has its work been done. What more does this lately awakened zeal propose? As a country, we are in possession of everything the heart of man can desire—power, intelligence, prosperity, happiness, abundance, freedom, equality, the religion of God and the respect of man—all the elements, indeed, which give value to social life, or security for the duration of political blessings. We want no new parties, no new platforms, no new organizations, and the sooner these dangerous efforts are abandoned, the better will it be for us and those who are to follow us in this heritage of freedom.

“During the process of constructing a party upon this narrow basis of exclusion, humbly affecting to know nothing while proudly aspiring to direct everything, and, especially, of constructing one with principles of organization, not only secret in their operation, but seeking unity of action, not in individual conviction and responsibility, but in the surrender of the will of each to the demands of those who gain the direction of the associations—during this process the public mind must be in a state of feverish excitement unfriendly to calm deliberation; and majorities, acquired by combinations arising out of this state of things, do not act under the ‘fair and proper circumstances’ which I declared in 1850 to be indispensable to the obligatory force of legislative instructions.”

On the twenty-sixth of February, 1855, General Cass had the pleasure of presenting to Congress in the name of the family of the late General Robert Armstrong, the sword of General Jackson. “I hold in my hand,” said General Cass, “the sword of General Jackson, which he wore in all his expeditions while in the service of the country, and which was his faithful companion in his last and crowning victory when New Orleans was saved from the grasp of a rapacious and powerful enemy, and our nation from the disgrace and disaster which defeat would have brought in its train. When the hand of death was upon him, General Jackson presented this sword to his friend, the late General Armstrong, as a testimonial of his high appreciation of the services, worth, and courage of that most estimable citizen and distinguished soldier, whose desperate valor on one occasion stayed the tide of Indian success and saved the army from destruction. The family of the lamented depository, now that death has released

him from the guardianship of this treasure of patriotism, are desirous it should be surrendered to the custody of the national legislature, believing that to be the proper disposition of a memorial which, in all times to come, will be a cherished one for the American people."

And most fit was this final disposition of an invaluable souvenir. Beside the sword of Washington, and the cane of Franklin, another legacy of departed greatness, another weapon from the armory of patriotism, comes to claim its place in the sanctuary assigned to its predecessor, and to share with it the veneration of the country in whose defense it was wielded.

We have already observed that General Cass does not look with favor upon the political party known by the name of Know Nothing; and the public announcement of his views upon this topic in his place in the Senate on the fifth of February, 1855, ought to have foreclosed all cavil with respect to them. Otherwise, however, is the fact. A national convention of the order at Philadelphia, in the spring of 1855, took grounds in its platform in favor of popular sovereignty in territorial legislation and government. Indeed, the convention recognized the correctness of the doctrine enunciated in the Nicholson letter; and more for this reason than because of any pretense that the General approved of the political organization represented in that convention, the rumor soon became current that his sympathies, nevertheless, were in that direction. He paid no attention to it, however, until a letter appeared in the public prints, written by General Houston, of Texas, in which the statement was broadly made that General Cass approved of the platform of the American order, clearly intending to convey the impression that he favored that political party. Nothing was further from the truth. And more to put his own political record right, now near its end, than because of any particular interest which he might fancy the public to take in his private sentiments on this subject, especially as they had been referred to from such a distinguished source, he reiterated his matured views through the columns of the *Detroit Free Press*, in the following letter:

"DETROIT, Aug. 22d, 1855.

"To the Editor of the Detroit Free Press:

"SIR—The public journals contain a letter dated July 24th, written by General Houston, which has just met my eye, and in which

he says he perceives by the papers of the day, that 'General Cass has approved the platform of the American order, as proclaimed to the world by the convention at Philadelphia.' I had observed the statements to which General Houston alludes, and had let them pass unnoticed, for it would be a hopeless task to endeavor to correct all the misapprehensions and misrepresentations to which it is my lot, as well as that of all other public men, to be exposed in these days of party strife; and, indeed, I could not suppose that such assertions would deceive any one who had heard or had read my remarks in the Senate of the United States, on the fifth of February last, upon the presentation of the resolutions of the legislature of Michigan, instructing the senators of that State to vote for an act of Congress prohibiting the introduction of slavery into the Territories of the United States. Upon that occasion, while declining to comply with those instructions, I took the opportunity to express my sentiments in relation to the new political movement which sought to acquire and exercise power by secret combinations, bound together by the sanctions of an oath, which, it is said, made it the duty of its members to surrender their individual convictions to the expressed will of a majority of their associates. I then observed: 'Strange doctrines are abroad, and strange organizations are employed to promulgate and enforce them. Our political history contains no such chapter in the progress of our country, as that which is now opening. The questions of constitutionality and policy, which have been so long the battle-cry of parties, are contemptuously rejected, and intolerance, religious and political, finds zealous, and it may be they will prove successful, advocates in this middle of the nineteenth century, boasting with much self-complacency of its intelligence, and in this free country, founded upon immigration and grown prosperous and powerful by toleration. . . . We want no new parties, no new platforms, no new organizations, and the sooner these dangerous efforts are abandoned, the better will it be for us and for those who are to follow us in this heritage of freedom.'

"I might well suppose, after the expression of these views upon the floor of the Senate, and under circumstances of peculiar responsibility, that any further action on my part would be unnecessary to prove my consistency, as a disciple of the school of Washington, and Jefferson, and Madison, and Jackson, in the rejection of

a dangerous innovation, inconsistent with all the principles those patriots taught, and which, in effect, aims to transfer the great political duty of an American citizen from the light of day, where it should be exercised in this land of freedom, to secret conclaves, as unfriendly to calm investigation, as to wise and patriotic decision. But the extract from the letter of General Houston has shown me that these reports have received more credit than I had believed, and this consideration has induced me thus publicly to notice and to contradict them. My opinions, indeed, upon any subject are but of little consequence except to myself, but, if they are worth referring to, they are worth the trouble of making the reference a true one.

“I have no sympathy with this plan of political organization—none whatever; neither with the means it employs, nor the objects it seeks to attain. Its secrecy, its oath-bound obligations, its control of the ballot-box, its system of proscription, striking both at political rights and religious duties, and its inevitable tendency to array one portion of the community against another, and to carry deadly feuds into every corner of the land, of which we have just had a terrible proof, written in characters of blood, and are doomed to have many more if this movement goes on, for this is but the first instalment of death, and how many others are to follow, and to what extent, and when the last is to be paid, and after what lamentable vicissitudes, is known only to Him who foresees events and can control them,—these characteristics mark it as the most dangerous scheme which has ever been introduced into our country to regulate its public action or its social condition. It is the *Orangeism* of a republic, scarcely better in principle than its monarchical prototype—of a republic whose freedom and equality justify as little as they invite the introduction of a machinery whose operation is concealed from public observation, but whose consequences are as clear as they are alarming.

“General Houston gives credence to the report that I approve ‘the platform of the American order, as proclaimed to the world by the convention at Philadelphia.’ I am aware that changes have been made, both in the name and in some of the principles of this new organization; but these changes do not remove my objections to it. Its spirit of exclusion and intolerance remains, and with it, its evils and its dangers. It is a book to which I can not be reconciled, whatever edition, whether the new one or the

old one, is offered to me. There is, indeed, one principle laid down in that convention which meets my concurrence, and that is, the declaration that 'Congress ought not to legislate upon the subject of slavery within the territory of the United States.' I regret, however, that the body which has thus pronounced against the exercise of the power did not also pronounce against its existence, but carefully *pretermitted*—to use its own words—the expression of any opinion upon that point. Still, I approve its action upon the subject, so far as it goes. It is a step in the right direction, and I should rejoice to see it followed by every political party in our country. It is a step, too, towards the security of political rights—this opposition to the legislation of Congress over the internal affairs of the people of the Territories, and, among others, over the relation of master and servant, or that of husband and wife, or parent and child; for these matters of domestic policy are subjects which should be left to the territorial communities, and to divest them of the power to regulate them, is an act of unmitigated despotism. The negation of all power of interference by Congress in the internal government of the Territories is the true constitutional doctrine, and the only safe and practicable one, and I am rejoiced that, after years of opposition—of obloquy, indeed—it is fast establishing itself upon impregnable grounds.

“The misapprehension which has prevailed upon this grave subject is among the most extraordinary political events of my time. One would naturally suppose that in this country, the dogma of internal government by an irresponsible legislature over a distant community, unrepresented in the ruling body, would find but little favor, and that the power to establish and put in operation a government might well be defended, while the power to control all the concerns of human life would be left without an advocate. The difference is broad and practical, and should be the dearer to us, as it was the very consideration urged by our Revolutionary fathers in their contest with the mother country, which began by argument, but ended by arms. It was asserted as early as 1774, when the Continental Congress declared that the English colonists ‘are entitled to free and EXCLUSIVE power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, &c.’ In that great struggle, the patriots

who conducted it conceded to the British Parliament the authority to organize colonial governments, but denied their right to touch the *internal polity* of the people. And for the support of that great principle, denied and derided as it is now, they went to war.

"I observe that a highly respectable and intelligent gentleman, Governor Hunt, of New York, in a letter just published, speaks of the Nebraska bill as 'based on the absurd theory of territorial sovereignty.' I never heard a man support that measure or approve it for such a reason. Governor Hunt has mistaken the sneers of its enemies for the views of its friends. The Nebraska bill rests upon no such theory—upon no theory at all, but upon the stable foundation of the federal Constitution, and of the natural rights of man.

"I know of no one who claims sovereignty for the Territories. All concede their dependence upon the United States. But within this relation, there are mutual rights and duties, and the questions—what power may Congress lawfully exercise, and are the people of the Territories divested of all rights—must be determined, not by politico-metaphysical considerations, arising out of the attribute of sovereignty, but by the Constitution of the United States,—to the law, and to the testimony. By that Constitution, the general government is a government, not only of granted, but of limited powers, and Congress can exercise no authority which is not given by the great charter that brought it into existence. Let any man put his finger upon the clause of that instrument which confers this power of internal interference, and I will abandon the principle, long as it has been cherished by me.

* * * * *

"I have never known the time when the Democratic party was called upon by higher considerations to adhere, faithfully and zealously, to their organization and their principles, than they are at this day. Our confederation is passing through the most severe trial that it has yet undergone. Unceasing efforts are making to excite hostile and sectional feelings, against which we were prophetically warned by the Father of his Country, and if these are successful, the days of this Constitution are numbered. The continued assaults upon the south, upon its character, its constitutional rights, and its institutions, and the systematic perseverance and the bitter spirit with which these are pursued,

while they warn the Democratic party of the danger, should also incite it to united and vigorous action. They warn it, too, that the time has come when all other differences which may have divided it should give way to the duty of defending the Constitution, and when that great party, coeval with the government, should be united as one man for the accomplishment of the work to which it is now called, and before it is too late. It is the American party, for it has neither sectional prejudices nor sectional preferences, and its care and its efforts extend wherever the Constitution of its country extends, with equal regard to the rights and interests of all. I believe the fate of this great republic is now in its hands, and so believing, I earnestly hope that its action will be firm, prompt, and united, yielding not one hair's breadth of its time honored principles, and resisting to the last the dangerous efforts with which we are menaced; and, if so, the victory of the Constitution, I doubt not, will be achieved.

"I am, sir, respectfully,

"Your ob't ser't,

"LEWIS CASS."

Another presidential canvass is fast approaching, and many persons in various sections of the republic still cling with heart-felt tenacity to General Cass, as the needed pilot to guide the ship of state over the tempestuous seas which the future political horizon indicates must befall it. But he seconds no such movement. His age warns him that he has done his duty to his country, and beckons him to relinquish the turmoil of public life for the quietude of a retired and happy home.

He has received many letters soliciting the use of his name in the primary assemblages of the people, with the view of formally presenting it to the national nominating convention. To all these requests, he makes but one reply, and that is contained in the following correspondence, too explicit to require any further comment:

"PHILADELPHIA, Nov. 5th, 1855.

"HON. LEWIS CASS—SIR:—As the time is fast approaching when it will be necessary for the Democratic party to select delegates to make their nominations for President and Vice-President, and inasmuch as we, the undersigned, feel great interest in

selecting the proper candidate for President, and believing you to be the most competent and most available candidate, and one that the people would take pride in electing if nominated, we therefore most respectfully ask you for an answer, in reply to our note, saying if you will confer a favor on your friends and fellow-citizens.

“ANDREW J. WEBSTER,
“And others.”

“DETROIT, Nov. 23d, 1855.

“GENTLEMEN—I have received your letter asking me if I am a candidate for the office of President of the United States, and expressing the gratification it would give you to support me for that high station.

“While thanking you for this manifestation of your kindness and confidence, of which I shall always preserve a grateful recollection, I reply that I am not a candidate for the Presidency, nor do I desire that my name should be presented in connection with it to the consideration of the Democratic party of the Union.

“I am, gentlemen,

“With great regard,

“Truly yours,

“LEWIS CASS.

“ANDREW J. WEBSTER, Esq., and others, Philadelphia.”

General Cass is now verging upon seventy-three years of age. Fifty years of his life have been passed in public position, and during three-fourths of that long period, as the reader of these pages has perceived, he has filled a large space in the political affairs of the world. Possessed naturally of a robust constitution, his physical energies have enabled him to endure the fatigues incident to activity and labor, and have enabled him to bear up under the most exhausting intellectual effort.

His habits are simple, his manners and disposition democratic; his style of living plain, but substantial; and his residence not ostentatious, but elegant. Averse to idleness and dissipation, he is merry with his companions and strong in his friendship. He is remarkable for his affability to young persons; and surrounded by them at his own table, he can be as hilarious and happy as the gayest of them. Fond of his study, and pleased with his own reflections in retirement, he is not a recluse, but on all occasions

his admirers, friends, and fellow-citizens, are welcome to his large and hospitable mansion, on the corner of Fort and Cass streets, in the prosperous and beautiful city of Detroit. General Cass is a member of the ancient fraternity of Free and Accepted Masons. He has repeatedly held the office of Grand Master. He believes the institution eminently useful in its quiet and gentle offerings of heartfelt philanthropy. Co-extensive with civilization, the order, in his judgment, is capable of doing great good to its members all over the globe. He has seen the sign of recognition, and felt the grip of friendship among the savages. He never regretted that he became a member. The aged—the sick—the unfortunate—all find refreshment in the south, and reward in the west.

In his daily walk he forgets not a companion of many years. She who was the partner of his inmost thoughts from early manhood—Mrs. Elizabeth Cass—deceased March 5th, 1853, at her residence in Detroit. She had long been an invalid, and was ready to obey the summons of her Divine Master in Heaven. She was a lady of exemplary piety—of sweet and confiding disposition—of the most unobtrusive deportment. None knew her but to love her, none spoke of her but to praise her. Her virtues are embalmed in the remembrance of her most affectionate survivor.

General Cass passes his congressional vacations for the most part at home. Occasionally, he accepts an invitation to deliver an address. His invitations to do so are numerous. To a judiciously selected library, he makes constant additions from the numerous publications of the day. He delights to pass an hour or so, for recreation, most every day, in the perusal of romances, such as those of Scott, Cooper and Irving, and the like. In the enjoyment of excellent health, his mental powers still remain vigorous and active. Born during the war of independence, he is among the few, very few, surviving links which connect the men of the revolution with the present generation. Often, in early youth, did he converse with a venerable relative then at the extremity of a long life, who was a cotemporary of Peregrine White—the first child born to the pilgrims after their arrival in America. He is among the few, very few, survivors who ever saw—much less conversed with—Washington. What an appalling image of the progress and destiny of this matchless federative empire, do these simple facts present! But one life passed away

between the first and latest born of one of its greatest communities—between its infancy and maturity—between the oldest born of one great portion of the new race destined to occupy this hemisphere, and the twenty-five millions of people who are now fulfilling that mighty mission, commenced in weakness but consummated in power!

His private affairs are so arranged as to require but little of his personal attention. His property has grown with the country where he resides, and has now attained to a large estate. With no projects of ambition, pecuniary or political, to perplex or annoy him, in his venerable age he feels that the lines have fallen to him in pleasant places, and that he has a goodly heritage.

He has, in the course of an eventful life, passed through many trying scenes. He has been a leading actor, with undisguised position and affirmative acts, in the great political questions of the age. His opinions and views are fully and unequivocally before the world. By them he has been willing to live; and by them, in God's own good time, he is content to die. His great desire—so far as the hopes of earth are concerned—is that the blessings of a republican government may be enjoyed by his descendants to the most remote generation.

He has as little personal interest in all these questions as any man, be the other whom he may. Having passed the term of human existence assigned to man by the Psalmist—three score years and ten—he is warned that his hold upon life is frail and fleeting. Among the very few men now living—perhaps the only one—appointed to important civil offices by Mr. Jefferson, he prizes this testimonial of the confidence of that great man and pure statesman as one of the most precious memorials left to him. He feels that, for half a century, he has adhered to the political doctrines of the Father of Democracy, and done nothing to forfeit his confidence, were he yet living.

During a long and active public career, he has received far more important proofs of the favor of his country than he ever expected; and to her service he has always carried the desire to do his duty. And now, when his aspirations for political distinction are among the things that have been, if he can make no other return for all this kindness, he will make the return of fidelity, by an undeviating adhesion to those principles which have so long been the rule of his public conduct.

With no griefs to assuage—no resentments to gratify—no purposes to attain but the great purposes of the Democratic party, closely interwoven, as it is, with the most prosperous government that the light of day ever shown upon—his heart is filled with gratitude for what he has received, and not with regret because he has not received more. Animated by these sentiments, he will hold on to his party and its doctrines until his hold is broken by that final change which, sooner or later, comes to all.

The example of his public career will, in future time, be referred to as an instructive lesson of wisdom; the principles which have guided him are but the rules upon which he conducted the administration of all his duties as a citizen, expanded and applied to a more enlarged sphere of action. The purity and simplicity of his life have made a lasting impression on the minds of his countrymen, and contributed most essentially to elevate the standard of political morality among the public men of his time.

Sometimes the shadows of by-gone days pass over him, and he awakes as from a dream, asking himself, Is this great country, north of the Ohio and west of the lakes, teeming with life, liberty, and prosperity—is this the country he entered fifty years ago, shut out from the light of heaven by the primitive forests that covered it? Is this the country which then contained one Territory and now six States of the Union; whose population then numbered a few thousands, and now five millions of people? and the great rivers, unsurpassed upon the face of the globe—mighty arteries, ready for all the varied intercourse of civilization; mountains, rich in their mineral products, and emboweling the wealth of the earth; prairies and plains, still stretching onward, as boundless in their extent as in their fertility; and, over all, a climate mild, equable, and admirably adapted to the human constitution;—are these the rivers he navigated, the mountains he climbed, the prairies and plains he traversed, when the silence of the land was unbroken by the cheerful hum of human industry, and its solitude uninterrupted but by the wandering Indian and the animals that administered to his wants—when a world of primitive gigantic vegetation extended its sway across the country, and on to the distant shores of the Pacific, where the flag of our fathers and our own now waves in the breeze that is wafted from the far off continent of Asia! And the flourishing towns and populous cities—the seats of civilization and of commerce—could he there have

often slept under wide-spreading trees, throwing their broad branches over a virgin soil? And the railroad, does it follow the war-path, where he followed the Indian? And the church bell, which now summons a christian community to prayer and praise, how brief to him seems the interval since the loneliness was broken by the war-drum and the war-song! Truly, a better genius than him of Aladdin's lamp—the genius of industry and enterprise—is doing that mighty work whose ultimate issue it is not given to human sagacity to foretell. The events of ages elsewhere here seem to be compressed within the ordinary life of man. With no past—born but yesterday—we have grown to-day. We have no monuments far back in the haze of time—glorious in their ruins—telling the story of former magnificence in the very solitude that tells the story of present decay.

Of Lewis Cass' earthly career yet to come, we can not better bring this work to a termination than by repeating his words to the Senate, a few days prior to its last adjournment:

“For myself, sir, if Providence permit, I shall remain in the position I occupy during the residue of my term of service, unless, indeed, the Democracy of Michigan should require me to do what my convictions of duty would prohibit me from doing; in which event I should retire, without hesitation, to private life, where, indeed, I am sufficiently warned, by the years that have passed over me, I must soon retire, come what may. But, as my life draws towards its close, age, as it advances, instead of enfeebling, adds strength to my love of country, and continues to console me with bright hopes of her future power and stability.”





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